



# ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು

ಸಂಪುಟ - ೧೬೦ Volume - 160	ಬೆಂಗಳೂರು, ಮಂಗಳವಾರ, ೨೯, ಏಪ್ರಿಲ್, ೨೦೨೫(ವೈಶಾಖ, ೦೯, ಶಕವರ್ಷ, ೧೯೪೭) BENGALURU, TUESDAY, 29, APRIL, 2025(VAISHAKHA, 09, SHAKAVARSHA, 1947)	ಸಂಚಿಕೆ ೮೨ Issue 82
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ಭಾಗ ೪

ಕೇಂದ್ರದ ವಿಧೇಯಕಗಳು ಮತ್ತು ಅವುಗಳ ಮೇಲೆ ಪರಿಶೀಲನಾ ಸಮಿತಿಯ ವರದಿಗಳು,  
ಕೇಂದ್ರದ ಅಧಿನಿಯಮಗಳು ಮತ್ತು ಅಧ್ಯಾದೇಶಗಳು, ಕೇಂದ್ರ ಸರ್ಕಾರದವರು ಹೊರಡಿಸಿದ  
ಸಾಮಾನ್ಯ ಶಾಸನಬದ್ಧ ನಿಯಮಗಳು ಮತ್ತು ಶಾಸನಬದ್ಧ ಆದೇಶಗಳು ಮತ್ತು  
ರಾಷ್ಟ್ರಪತಿಯವರಿಂದ ರಚಿತವಾಗಿ ರಾಜ್ಯ ಸರ್ಕಾರದವರಿಂದ  
ಪುನಃ ಪ್ರಕಟವಾದ ಆದೇಶಗಳು

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ  
ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 15 ಕೇಶಾಪು 2025

ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 23.04.2025

ದಿನಾಂಕ: 16.04.2025 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II-  
Section-1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ THE PROTECTION OF INTERESTS IN AIRCRAFT OBJECTS ACT,  
2025 (NO. 17 OF 2025) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು  
ಪ್ರಕಟಿಸಲಾಗಿದೆ,-



# भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-16042025-262469  
CG-DL-E-16042025-262469

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 17] नई दिल्ली, बुधवार, अप्रैल 16, 2025/चैत्र 26, 1947 (शक)

No. 17] NEW DELHI, WEDNESDAY, APRIL 16, 2025/CHAITRA 26, 1947 (Saka)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## MINISTRY OF LAW AND JUSTICE (Legislative Department)

*New Delhi, the 16th April, 2025/Chaitra 26, 1947 (Saka)*

The following Act of Parliament received the assent of the President on the 16th April, 2025 and is hereby published for general information:—

### THE PROTECTION OF INTERESTS IN AIRCRAFT OBJECTS ACT, 2025

No. 17 OF 2025

[16th April, 2025.]

An Act to provide for protection of interests in aircraft objects and to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment signed at Cape Town on 16th November, 2001 and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Protection of Interests in Aircraft Objects Act, 2025.

Short title and  
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. (1) In this Act, unless the context otherwise requires,—

Definitions.

(a) “agreement” shall have the meaning assigned to it in Article 1(a) of the Convention;

(b) “aircraft” shall have the meaning assigned to it in Article I (2)(a) of the Protocol;

(c) “aircraft objects” shall have the meaning assigned to it in Article I (2)(c) of the Protocol;

(d) “Article” means an Article of the Convention or the Protocol;

(e) “Convention” means the Convention on International Interests in Mobile Equipment signed at Cape Town on 16th November, 2001, as set out in the First Schedule to this Act;

(f) “creditor” shall have the meaning assigned to it in Article 1(i) of the Convention;

(g) “debtor” shall have the meaning assigned to it in Article 1(j) of the Convention;

(h) “declaration” means a declaration made by India under the Convention or the Protocol, as set out in the Second Schedule to this Act;

(i) “declared default” means the date on which the registry authority is notified by the creditor of the occurrence of default;

(j) “international interest” shall have the meaning assigned to it in Article 1(o) of the Convention;

(k) “prescribed” means prescribed by rules made under this Act;

(l) “Protocol” means the Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Aircraft Equipment signed at Cape Town on 16th November, 2001, as set out in the Third Schedule to this Act;

(m) “registry authority” means the Directorate General of Civil Aviation constituted under section 3 of the Bharatiya Vayuyan Adhiniyam, 2024.

16 of 2024.

(2) The words and expressions used and not defined in this Act, but defined in the Convention or the Protocol or the regulations made thereunder, shall have the meanings respectively assigned to them in the Convention, Protocol or regulations made thereunder.

Application of  
Convention and  
Protocol in  
India.

3. Subject to the provisions of this Act, the Convention and Protocol shall have the force of law in India, in respect of the aircraft objects and in accordance with the declarations deposited by India.

Power of  
registry  
authority to  
issue directions.

4. The registry authority may issue necessary directions, for implementation of the provisions of the Convention and Protocol, including the provisions given force of law under section 3, in such manner as may be prescribed.

Obligation of  
debtor and  
creditor to an  
agreement.

5. (1) A debtor shall maintain and submit to the registry authority, records of dues arising from, related to or owed in regard to the ownership or use by the owner or operator of the aircraft object, in such form and manner as may be prescribed.

(2) A creditor shall not be entitled to exercise any remedy under the Convention or Protocol unless such creditor declares the occurrence of default by notifying the registry authority, in such form and manner as may be prescribed.

6. The provisions of Article XI of the Protocol, subject to the declaration deposited by India, shall apply, *mutatis mutandis*, for remedies on insolvency under any law for the time being in force:

Remedies on insolvency.

Provided that—

(a) the debtor of the agreement is a—

(i) body corporate or firm, incorporated or registered in India; or

(ii) person, domiciled in or has his principal place of business in India;

(b) the international interest of the agreement has been registered in accordance with the Convention and Protocol; and

(c) the debtor and creditor have not by written agreement excluded the application of this section.

16 of 2024.

7. Subject to the provisions of the Bharatiya Vayuyan Adhiniyam, 2024, or any rules made thereunder, the provisions of Article XIII of the Protocol shall apply to the de-registration and export request.

De-registration and export request authorisation.

8. Notwithstanding anything in any other law for the time being in force, the High Court having territorial jurisdiction shall be the relevant court for the purposes of Article 53 of the Convention.

Jurisdiction.

9. (1) In the case of any inconsistency between a provision of this Act and any other law for the time being in force, the provisions of this Act shall prevail to the extent of such inconsistency.

Provisions of Act to have overriding effect.

(2) Save as otherwise provided in this Act, the provisions of this Act shall be in addition to, and not in derogation of any other law for the time being in force.

(3) The provisions of this Act or the Convention or the Protocol shall not affect the rights of the Central Government or any entity thereof, or other provider of public services in India, or any intergovernmental organisation in which India is a member, to arrest or detain an aircraft object under any law for the time being in force, for payment of any amount due to the Government of India or any such entity or provider of public services or organisation, directly relating to the service or services provided by it in respect of that aircraft objects.

10. (1) The Central Government may, by notification in the Official Gazette, make rules, as may be considered necessary and expedient, for carrying out the provisions of this Act or implementation of the provisions of the Convention or Protocol.

Power of Central Government to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) manner to issue directions under section 4;

(b) form and manner under sub-sections (1) and (2) of section 5.

(3) The power to make rules under this section is subject to the condition of the rules being made after previous publication:

Provided that the Central Government may, in the public interest, by order in writing, dispense with the condition of previous publication in any case.

(4) Every rule made under this Act shall be laid, as soon as may be, after it is made before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Power of  
Central  
Government in  
respect of  
declarations.

11. (1) The Central Government may make, amend or withdraw any declaration, or any subsequent declaration in accordance with the provisions of the Convention or Protocol.

(2) The Central Government, to give effect to any declaration or subsequent declaration made, amended or withdrawn under the Convention or the Protocol, may, by notification in the Official Gazette, amend the Second Schedule to this Act.

Removal of  
difficulties.

12. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of three years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

## THE FIRST SCHEDULE

[See clause (e) of sub-section (1) of section 2]

PROVISIONS OF THE CONVENTION ON INTERNATIONAL INTERESTS IN MOBILE  
EQUIPMENT WHICH SHALL HAVE THE FORCE OF LAW

## CHAPTER I

## SPHERE OF APPLICATION AND GENERAL PROVISIONS

**Article 1***Definitions*

In this Convention, except where the context otherwise requires, the following terms are employed with the meanings set out below:

(a) “agreement” means a security agreement, a title reservation agreement or a leasing agreement;

(b) “assignment” means a contract which, whether by way of security or otherwise, confers on the assignee associated rights with or without a transfer of the related international interest;

(c) “associated rights” means all rights to payment or other performance by a debtor under an agreement which are secured by or associated with the object;

(d) “commencement of the insolvency proceedings” means the time at which the insolvency proceedings are deemed to commence under the applicable insolvency law;

(e) “conditional buyer” means a buyer under a title reservation agreement;

(f) “conditional seller” means a seller under a title reservation agreement;

(g) “contract of sale” means a contract for the sale of an object by a seller to a buyer which is not an agreement as defined in (a) above;

(h) “court” means a court of law or an administrative or arbitral tribunal established by a Contracting State;

(i) “creditor” means a chargee under a security agreement, a conditional seller under a title reservation agreement or a lessor under a leasing agreement;

(j) “debtor” means a chargor under a security agreement, a conditional buyer under a title reservation agreement, a lessee under a leasing agreement or a person whose interest in an object is burdened by a registrable non-consensual right or interest;

(k) “insolvency administrator” means a person authorised to administer the re-organisation or liquidation, including one authorised on an interim basis, and includes a debtor in possession if permitted by the applicable insolvency law;

(l) “insolvency proceedings” means bankruptcy, liquidation or other collective judicial or administrative proceedings, including interim proceedings, in which the assets and affairs of the debtor are subject to control or supervision by a court for the purposes of re-organisation or liquidation;

(m) “interested persons” means:

(i) the debtor;

(ii) any person who, for the purpose of assuring performance of any of the obligations in favour of the creditor, gives or issues a suretyship or demand guarantee or a stand by letter of credit or any other form of credit insurance;

(iii) any other person having rights in or over the object;

(n) “internal transaction” means a transaction of a type listed in Article 2(2)(a) to (c) where the centre of the main interests of all parties to such transaction is situated, and the relevant object located (as specified in the Protocol), the same Contracting State at the time of the conclusion of the contract and where the interest created by the transaction has been registered in a national registry in that Contracting State which has made a declaration under Article 50(I);

(o) “international interest” means an interest held by a creditor to which article 2 applies;

(p) “international registry” means the international registration facilities established for the purposes of this Convention or the Protocol;

(q) “leasing agreement” means an agreement by which one person grants a right to possession or control of an object (with or without an option to purchase) to another person in return for a rental or other payment;

(r) “national interest” means an interest held by a creditor in an object and created by an internal transaction covered by a declaration under Article 50 (I);

(s) “non-consensual right or interest” means a right or interest conferred under the law of a Contracting State which has made a declaration under Article 39 to secure the performance of an obligation, including an obligation to a State, State entity or an intergovernmental or private organisation;

(t) “notice of a national interest” means notice registered or to be registered in the international registry that a national interest has been created;

(u) “object” means an object of a category to which Article 2 applies;

(v) “pre-existing right or interest” means a right or interest of any kind in or over an object created or arising before the effective date of this Convention as defined by Article 60(2)(a);

(w) “proceeds” means money or non-money proceeds of an object arising from the total or partial loss or physical destruction of the object or its total or partial confiscation, condemnation or requisition;

(x) “prospective assignment” means an assignment that is intended to be made in the future, upon the occurrence of a stated event, whether or not the occurrence of the event is certain;

(y) “prospective international interest” means an interest that is intended to be created or provided for in an object as an international interest in the future, upon the occurrence of a stated event (which may include the debtor’s acquisition of an interest in the object), whether or not the occurrence of the event is certain;

(z) “prospective sale” means a sale which is intended to be made in the future, upon the occurrence of a stated event, whether or not the occurrence of the event is certain;

(aa) “Protocol” means, in respect of any category of object and associated rights to which this Convention applies, the Protocol in respect of that category of object and associated rights;

(bb) “registered” means registered in the international registry pursuant to Chapter V;

(cc) “registered interest” means an international interest, a registrable non-consensual right or interest or a national interest specified in a notice of a national interest registered pursuant to Chapter V;

(dd) “registrable non-consensual right or interest” means a non-consensual right or interest registrable pursuant to a declaration deposited under Article 40;

(ee) “Registrar” means, in respect of the Protocol, the person or body designated by that Protocol or appointed under Article 17(2)(b);

(ff) “regulations” means regulations made or approved by the supervisory authority pursuant to the Protocol;

(gg) “sale” means a transfer of ownership of an object pursuant to a contract of sale;

(hh) “secured obligation” means an obligation secured by a security interest;

(ii) “security agreement” means an agreement by which a chargor grants or agrees to grant to a chargee an interest (including an ownership interest) in or over an object to secure the performance of any existing or future obligation of the chargor or a third person;

(jj) “security interest” means an interest created by a security agreement;

(kk) “Supervisory Authority” means, in respect of the Protocol, the Supervisory Authority referred to in Article 17(1);

(ll) “title reservation agreement” means an agreement for the sale of an object on terms that ownership does not pass until fulfilment of the condition or conditions stated in the agreement;

(mm) “unregistered interest” means a consensual interest or non-consensual right or interest (other than an interest to which Article 39 applies) which has not been registered, whether or not it is registrable under this Convention; and

(nn) “writing” means a record of information (including information communicated by teletransmission) which is intangible or other form and is capable of being reproduced in tangible form on a subsequent occasion and which indicates by reasonable means a person’s approval of the record.

## Article 2

### *The international interest*

1. This convention provides for the constitution and effects of an international interest in certain categories of mobile equipment and associated rights.

2. For the purposes of this Convention, an international interest in mobile equipment is an interest, constituted under Article 7, in a uniquely identifiable object of a category of such objects listed in paragraph 3 and designated in the Protocol:

(a) granted by the chargor under a security agreement;



(b) vested in a person who is the conditional seller under a title reservation agreement; or

(c) vested in a person who is the lessor under a leasing agreement.

An interest falling within sub-paragraph (a) does not also fall within sub-paragraph (b) or (c).

3. The categories referred to in the preceding paragraphs are:

(a) airframes, aircraft engines and helicopters;

(b) railway rolling stock; and

(c) space assets.

4. The applicable law determines whether an interest to which paragraph 2 applies falls within sub-paragraphs (a), (b) or (c) of that paragraph.

5. An international interest in an object extends to proceeds of that object.

### Article 3

#### *Sphere of application*

1. This Convention applies when, at the time of the conclusion of the agreement creating or providing for the international interest, the debtor is situated in a Contracting State.

2. The fact that the creditor is situated in a non-Contracting State does not affect the applicability of this Convention.

### Article 4

#### *Where debtor is situated*

1. For the purposes of Article 3(1), the debtor is situated in any Contracting State:

(a) under the law of which it is incorporated or formed;

(b) where it has its registered office or statutory seat;

(c) where it has its center of administration; or

(d) where it has its place of business.

2. A reference in sub-paragraph (d) of the preceding paragraph to the debtor's place of business shall, if it has more than one place of business, mean its principal place of business or, if it has no place of business, its habitual residence.

### Article 5

#### *Interpretation and applicable law*

1. In the interpretation of this convention, regard is to be had to its purposes as set forth in the preamble, to its international character and to the need to promote uniformity and predictability in its application.

2. Questions concerning matters governed by this convention which are not expressly settled in it are to be settled in conformity with the general principles on which it is based or, in the absence of such principles, in conformity with the applicable law.

3. References to the applicable law are to the domestic rules of the law applicable by virtue of the rules of private international law of the forum State.

4. Where a State comprises several territorial units, each of which has its own rules of law in respect of the matter to be decided, and where there is no indication of the relevant territorial unit, the law of that State decides which is the territorial unit whose rules shall govern. In the absence of any such rule, the law of the territorial unit with which the case is most closely connected shall apply.

#### **Article 6**

##### *Relationship between the Convention and the Protocol*

1. This Convention and the Protocol shall be read and interpreted together as a single instrument.

2. To the extent of any inconsistency between this Convention and the Protocol, the Protocol shall prevail.

### **CHAPTER II**

#### **CONSTITUTION OF AN INTERNATIONAL INTEREST**

#### **Article 7**

##### *Formal requirements*

An interest is constituted as an international interest under this convention where the agreement creating or providing for the interest:

- (a) is in writing;
- (b) relates to an object of which the chargor, conditional seller or lessor has power to dispose;
- (c) enables the object to be identified in conformity with the Protocol; and
- (d) in the case of a security agreement, enables the secured obligations to be determined, but without the need to state a sum or maximum sum secured.

### **CHAPTER III**

#### **DEFAULT REMEDIES**

#### **Article 8**

##### *Remedies of chargee*

1. In the event of default as provided in Article 11, the chargee may, to the extent that the chargor has at any time so agreed and subject to any declaration that may be made by a Contracting State under Article 54, exercise any one or more of the following remedies:

- (a) take possession or control of any object charged to it;
- (b) sell or grant a lease of any such object;
- (c) collect or receive any income or profits arising from the management or use of any such object.

2. The chargee may alternatively apply for a court order authorising or directing any of the acts referred to in the preceding paragraph.

3. Any remedy set out in sub-paragraphs (a), (b) or (c) of paragraph 1 or by Article 13 shall be exercised in a commercially reasonable manner. A remedy shall be deemed to be exercised in a commercially reasonable manner where it is exercised in conformity with a provision of the security agreement except where such a provision is manifestly unreasonable.

4. A chargee proposing to sell or grant a lease of an object under paragraph 1 shall give reasonable prior notice in writing of the proposed sale or lease to:

(a) interested persons specified in Article 1(m)(i) and (ii); and

(b) interested persons specified in Article 1(m)(iii) who have given notice of their rights to the chargee within a reasonable time prior to the sale or lease.

5. Any sum collected or received by the chargee as a result of exercise of any of the remedies set out in paragraph 1 or 2 shall be applied towards discharge of the amount of the secured obligations.

6. Where the sums collected or received by the chargee as a result of the exercise of any remedy set out in paragraph 1 or 2 exceed the amount secured by the security interest and any reasonable costs incurred in the exercise of any such remedy, then unless otherwise ordered by the court the chargee shall distribute the surplus among holders of subsequently ranking interests which have been registered or of which the chargee has been given notice, in order of priority, and pay any remaining balance to the chargor.

### Article 9

#### *Vesting of object in satisfaction; redemption*

1. At any time after default as provided in Article 11, the chargee and all the interested persons may agree that ownership of (or any other interest of the chargor in) any object covered by the security interest shall vest in the chargee in or towards satisfaction of the secured obligations.

2. The court may on the application of the chargee order that ownership of (or any other interest of the chargor in) any object covered by the security interest shall vest in the chargee in or towards satisfaction of the secured obligations.

3. The court shall grant an application under the preceding paragraph only if the amount of the secured obligations to be satisfied by such vesting is commensurate with the value of the object after taking account of any payment to be made by the chargee to any of the interested persons.

4. At any time after default as provided under Article 11 and before sale of the charged object or the making of an order under paragraph 2, the chargor or any interested person may discharge the security interest by paying in full the amount secured, subject to any lease granted by the chargee under Article 8(1)(b) or ordered under Article 8(2). Where, after such default, the payment of the amount secured is made in full by an interested person other than the debtor, that person is subrogated to the rights of the chargee.

5. Ownership or any other interest of the chargor passing on a sale under Article 8(1)(b) or passing under paragraph 1 or 2 of this article is free from any other interest over which the chargee's security interest has priority under the provisions of Article 29.

### Article 10

#### *Remedies of conditional seller or lessor*

In the event of default under a title reservation agreement or under a leasing agreement as provided in Article 11, the conditional seller or the lessor, as the case may be, may:

(a) subject to any declaration that may be made by a Contracting State under Article 54, terminate the agreement and take possession or control of any object to which the agreement relates; or

(b) apply for a court order authorising or directing either of these acts.

**Article 11***Meaning of default*

1. The debtor and the creditor may at any time agree in writing as to the events that constitute a default or otherwise give rise to the rights and remedies specified in Articles 8 to 10 and 13.

2. Where the debtor and the creditor have not so agreed, “default” for the purposes of Articles 8 to 10 and 13 means a default which substantially deprives the creditor of what it is entitled to expect under the agreement.

**Article 12***Additional remedies*

Any additional remedies permitted by the applicable law, including any remedies agreed upon by the parties, may be exercised to the extent that they are not inconsistent with the mandatory provisions of this Chapter as set out in Article 15.

**Article 13***Relief pending final determination*

1. Subject to any declaration that it may make under Article 55, a Contracting State shall ensure that a creditor who adduces evidence of default by the debtor may, pending final determination of its claim and to the extent that the debtor has at any time so agreed, obtain from a court speedy relief in the form of such one or more of the following orders as the creditor requests:

- (a) preservation of the object and its value;
- (b) possession, control or custody of the object;
- (c) immobilisation of the object; and

(d) lease or, except where covered by sub-paragraphs (a) to (c), management of the object and the income therefrom.

2. In making any order under the preceding paragraph, the court may impose such terms as it considers necessary to protect the interested persons in the event that the creditor:

- (a) in implementing any order granting such relief, fails to perform any of its obligations to the debtor under this Convention or the Protocol; or
- (b) fails to establish its claim, wholly or in part, on the final determination of that claim.

3. Before making any order under paragraph 1, the court may require notice of the request to be given to any of the interested persons.

4. Nothing in this Article affects the application of Article 8(3) or limits the availability of forms of interim relief other than those set out in paragraph 1.

**Article 14***Procedural requirements*

Subject to Article 54(2), any remedy provided by this Chapter shall be exercised in conformity with the procedure prescribed by the law of the place where the remedy is to be exercised.

**Article 15***Derogation*

In their relations with each other, any two or more of the parties referred to in this Chapter may at any time, by agreement in writing, derogate from or vary the effect of any of the preceding provisions of this Chapter except Articles 8(3) to (6), 9(3) and (4), 13(2) and 14.

**CHAPTER IV****THE INTERNATIONAL REGISTRATION SYSTEM****Article 16***The International Registry*

1. An International Registry shall be established for registrations of:

- (a) international interests, prospective international interests and registrable non-consensual rights and interests;
- (b) assignments and prospective assignments of international interests;
- (c) acquisitions of international interests by legal or contractual subrogations under the applicable law;
- (d) notices of national interests; and
- (e) subordinations of interests referred to in any of the preceding sub-paragraphs.

2. Different international registries may be established for different categories of object and associated rights.

3. For the purposes of this Chapter and Chapter V, the term “registration” includes, where appropriate, an amendment, extension or discharge of a registration.

**Article 17***The Supervisory Authority and the Registrar*

1. There shall be a supervisory authority as provided by the Protocol.

2. The supervisory authority shall:

- (a) establish or provide for the establishment of the international registry;
- (b) except as otherwise provided by the Protocol, appoint and dismiss the Registrar;
- (c) ensure that any rights required for the continued effective operation of the international registry in the event of a change of Registrar will vest in or be assignable to the new Registrar;
- (d) after consultation with the Contracting States, make or approve and ensure the publication of regulations pursuant to the Protocol dealing with the operation of the international registry;
- (e) establish administrative procedures through which complaints concerning the operation of the international registry can be made to the Supervisory Authority;
- (f) supervise the Registrar and the operation of the international registry;
- (g) at the request of the Registrar, provide such guidance to the Registrar as the supervisory authority thinks fit;
- (h) set and periodically review the structure of fees to be charged for the services and facilities of the international registry;

(i) do all things necessary to ensure that an efficient notice-based electronic registration system exists to implement the objectives of this Convention and the Protocol; and

(j) report periodically to Contracting States concerning the discharge of its obligations under this Convention and the Protocol.

3. The supervisory authority may enter into any agreement requisite for the performance of its functions, including any agreement referred to in Article 27(3).

4. The supervisory authority shall own all proprietary rights in the databases and archives of the International Registry.

5. The Registrar shall ensure the efficient operation of the international registry and perform the functions assigned to it by this Convention, the Protocol and the regulations.

## CHAPTER V

### OTHER MATTERS RELATING TO REGISTRATION

#### Article 18

##### *Registration requirements*

1. The Protocol and regulations shall specify the requirements, including the criteria for the identification of the object:

(a) for effecting a registration (which shall include provision for prior electronic transmission of any consent from any person whose consent is required under Article 20);

(b) for making searches and issuing search certificates, and, subject thereto;

(c) for ensuring the confidentiality of information and documents of the International Registry other than information and documents relating to a registration.

2. The Registrar shall not be under a duty to enquire whether a consent to registration under Article 20 has in fact been given or is valid.

3. Where an interest registered as a prospective international interest becomes an international interest, no further registration shall be required provided that the registration information is sufficient for a registration of an international interest.

4. The Registrar shall arrange for registrations to be entered into the International Registry database and made searchable in chronological order of receipt, and the file shall record the date and time of receipt.

5. The Protocol may provide that a Contracting State may designate an entity or entities in its territory as the entry point or entry points through which the information required for registration shall or may be transmitted to the International Registry. A Contracting State making such a designation may specify the requirements, if any, to be satisfied before such information is transmitted to the International Registry.

#### Article 19

##### *Validity and time of registration*

1. A registration shall be valid only if made in conformity with Article 20.

2. A registration, if valid, shall be complete upon entry of the required information into the International Registry database so as to be searchable.

3. A registration shall be searchable for the purposes of the preceding paragraph at the time when:

(a) the International Registry has assigned to it a sequentially ordered file number; and

(b) the registration information, including the file number, is stored in durable form and may be accessed at the International Registry.

4. If an interest first registered as a prospective international interest becomes an international interest, that international interest shall be treated as registered from the time of registration of the prospective international interest provided that the registration was still current immediately before the international interest was constituted as provided by Article 7.

5. The preceding paragraph applies with necessary modifications to the registration of a prospective assignment of an international interest.

6. A registration shall be searchable in the International Registry database according to the criteria prescribed by the Protocol.

## **Article 20**

### *Consent to registration*

1. An international interest, a prospective international interest or an assignment or prospective assignment of an international interest may be registered, and any such registration amended or extended prior to its expiry, by either party with the consent in writing of the other.

2. The subordination of an international interest to another international interest may be registered by or with the consent in writing at any time of the person whose interest has been subordinated.

3. A registration may be discharged by or with the consent in writing of the party in whose favour it was made.

4. The acquisition of an international interest by legal or contractual subrogation may be registered by the subrogee.

5. A registrable non-consensual right or interest may be registered by the holder thereof.

6. A notice of a national interest may be registered by the holder thereof.

## **Article 21**

### *Duration of registration*

Registration of an international interest remains effective until discharged or until expiry of the period specified in the registration.

## **Article 22**

### *Searches*

1. Any person may, in the manner prescribed by the Protocol and regulations, make or request a search of the International Registry by electronic means concerning interests or prospective international interests registered therein.

2. Upon receipt of a request therefor, the Registrar, in the manner prescribed by the Protocol and regulations, shall issue a registry search certificate by electronic means with respect to any object:

(a) stating all registered information relating thereto, together with a statement indicating the date and time of registration of such information; or



(b) stating that there is no information in the International Registry relating thereto.

3. A search certificate issued under the preceding paragraph shall indicate that the creditor named in the registration information has acquired or intends to acquire an international interest in the object but shall not indicate whether what is registered is an international interest or a prospective international interest, even if this is ascertainable from the relevant registration information.

### Article 23

#### *List of declarations and declared non-consensual rights or interests*

The Registrar shall maintain a list of declarations, withdrawals of declaration and of the categories of non-consensual right or interest communicated to the Registrar by the Depositary as having been declared by Contracting States in conformity with Articles 39 and 40 and the date of each such declaration or withdrawal of declaration. Such list shall be recorded and searchable in the name of the declaring State and shall be made available as provided in the Protocol and regulations to any person requesting it.

### Article 24

#### *Evidentiary value of certificates*

A document in the form prescribed by the regulations which purports to be a certificate issued by the International Registry is *prima facie* proof,—

(a) that it has been so issued; and

(b) of the facts recited in it, including the date and time of a registration.

### Article 25

#### *Discharge of registration*

1. Where the obligations secured by a registered security interest or the obligations giving rise to a registered non-consensual right or interest have been discharged, or where the conditions of transfer of title under a registered title reservation agreement have been fulfilled, the holder of such interest shall, without undue delay, procure the discharge of the registration after written demand by the debtor delivered to or received at its address stated in the registration.

2. Where a prospective international interest or a prospective assignment of an international interest has been registered, the intending creditor or intending assignee shall, without undue delay, procure the discharge of the registration after written demand by the intending debtor or assignor which is delivered to or received at its address stated in the registration before the intending creditor or assignee has given value or incurred a commitment to give value.

3. Where the obligations secured by a national interest specified in a registered notice of a national interest have been discharged, the holder of such interest shall, without undue delay, procure the discharge of the registration after written demand by the debtor delivered to or received at its address stated in the registration.

4. Where a registration ought not to have been made or is incorrect, the person in whose favour the registration was made shall, without undue delay, procure its discharge or amendment after written demand by the debtor delivered to or received at its address stated in the registration.



**Article 26***Access to the international registration facilities*

No person shall be denied access to the registration and search facilities of the International Registry on any ground other than its failure to comply with the procedures prescribed by this Chapter.

## CHAPTER VI

## PRIVILEGES AND IMMUNITIES OF THE SUPERVISORY AUTHORITY AND THE REGISTRAR

**Article 27***Legal personality; immunity*

1. The Supervisory Authority shall have international legal personality where not already possessing such personality.

2. The Supervisory Authority and its officers and employees shall enjoy such immunity from legal or administrative process as is specified in the Protocol.

3. (a) The Supervisory Authority shall enjoy exemption from taxes and such other privileges as may be provided by agreement with the host State.

(b) For the purposes of this paragraph, “host State” means the State in which the Supervisory Authority is situated.

4. The assets, documents, databases and archives of the International Registry shall be inviolable and immune from seizure or other legal or administrative process.

5. For the purposes of any claim against the Registrar under Article 28(1) or Article 44, the claimant shall be entitled to access to such information and documents as are necessary to enable the claimant to pursue its claim.

6. The Supervisory Authority may waive the inviolability and immunity conferred by paragraph 4.

## CHAPTER VII

## LIABILITY OF THE REGISTRAR

**Article 28***Liability and financial assurances*

1. The Registrar shall be liable for compensatory damages for loss suffered by a person directly resulting from an error or omission of the Registrar and its officers and employees or from a malfunction of the international registration system except where the malfunction is caused by an event of an inevitable and irresistible nature, which could not be prevented by using the best practices in current use in the field of electronic registry design and operation, including those related to back-up and systems security and networking.

2. The Registrar shall not be liable under the preceding paragraph for factual inaccuracy of registration information received by the Registrar or transmitted by the Registrar in the form in which it received that information nor for acts or circumstances for which the Registrar and its officers and employees are not responsible and arising prior to receipt of registration information at the International Registry.

3. Compensation under paragraph 1 may be reduced to the extent that the person who suffered the damage caused or contributed to that damage.

4. The Registrar shall procure insurance or a financial guarantee covering the liability referred to in this Article to the extent determined by the Supervisory Authority, in accordance with the Protocol.

## CHAPTER VIII

### EFFECTS OF AN INTERNATIONAL INTEREST AS AGAINST THIRD PARTIES

#### Article 29

##### *Priority of competing interests*

1. A registered interest has priority over any other interest subsequently registered and over an unregistered interest.

2. The priority of the first-mentioned interest under the preceding paragraph applies,—

(a) even if the first-mentioned interest was acquired or registered with actual knowledge of the other interest; and

(b) even as regards value given by the holder of the first-mentioned interest with such knowledge.

3. The buyer of an object acquires its interest in it,—

(a) subject to an interest registered at the time of its acquisition of that interest; and

(b) free from an unregistered interest even if it has actual knowledge of such an interest.

4. The conditional buyer or lessee acquires its interest in or right over that object,—

(a) subject to an interest registered prior to the registration of the international interest held by its conditional seller or lessor; and

(b) free from an interest not so registered at that time even if it has actual knowledge of that interest.

5. The priority of competing interests or rights under this Article may be varied by agreement between the holders of those interests, but an assignee of a subordinated interest is not bound by an agreement to subordinate that interest unless at the time of the assignment a subordination had been registered relating to that agreement.

6. Any priority given by this Article to an interest in an object extends to proceeds.

7. This Convention,—

(a) does not affect the rights of a person in an item, other than an object, held prior to its installation on an object if under the applicable law those rights continue to exist after the installation; and

(b) does not prevent the creation of rights in an item, other than an object, which has previously been installed on an object where under the applicable law those rights are created.

#### Article 30

##### *Effects of insolvency*

1. In insolvency proceedings against the debtor an international interest is effective if prior to the commencement of the insolvency proceedings that interest was registered in conformity with this Convention.

2. Nothing in this Article impairs the effectiveness of an international interest in the insolvency proceedings where that interest is effective under the applicable law.

3. Nothing in this Article affects,—

(a) any rules of law applicable in insolvency proceedings relating to the avoidance of a transaction as a preference or a transfer in fraud of creditors; or

(b) any rules of procedure relating to the enforcement of rights to property which is under the control or supervision of the insolvency administrator.

## CHAPTER IX

### ASSIGNMENTS OF ASSOCIATED RIGHTS AND INTERNATIONAL INTERESTS; RIGHTS OF SUBROGATION

#### Article 31

##### *Effects of assignment*

1. Except as otherwise agreed by the parties, an assignment of associated rights made in conformity with Article 32 also transfers to the assignee,—

(a) the related international interest; and

(b) all the interests and priorities of the assignor under this Convention.

2. Nothing in this Convention prevents a partial assignment of the assignor's associated rights. In the case of such a partial assignment the assignor and assignee may agree as to their respective rights concerning the related international interest assigned under the preceding paragraph but not so as adversely to affect the debtor without its consent.

3. Subject to paragraph 4, the applicable law shall determine the defences and rights of set-off available to the debtor against the assignee.

4. The debtor may at any time by agreement in writing waive all or any of the defences and rights of set-off referred to in the preceding paragraph other than defences arising from fraudulent acts on the part of the assignee.

5. In the case of an assignment by way of security, the assigned associated rights revert in the assignor, to the extent that they are still subsisting, when the obligations secured by the assignment have been discharged.

#### Article 32

##### *Formal requirements of assignment*

1. An assignment of associated rights transfers the related international interest only if it,—

(a) is in writing;

(b) enables the associated rights to be identified under the contract from which they arise; and

(c) in the case of an assignment by way of security, enables the obligations secured by the assignment to be determined in accordance with the Protocol but without the need to state a sum or maximum sum secured.

2. An assignment of an international interest created or provided for by a security agreement is not valid unless some or all related associated rights also are assigned.

3. This Convention does not apply to an assignment of associated rights which is not effective to transfer the related international interest.

### Article 33

#### *Debtor's duty to assignee*

1. To the extent that associated rights and the related international interest have been transferred in accordance with Articles 31 and 32, the debtor in relation to those rights and that interest is bound by the assignment and has a duty to make payment or give other performance to the assignee, if but only if,—

(a) the debtor has been given notice of the assignment in writing by or with the authority of the assignor; and

(b) the notice identifies the associated rights.

2. Irrespective of any other ground on which payment or performance by the debtor discharges the latter from liability, payment or performance shall be effective for this purpose if made in accordance with the preceding paragraph.

3. Nothing in this Article shall affect the priority of competing assignments.

### Article 34

#### *Default remedies in respect of assignment by way of security*

In the event of default by the assignor under the assignment of associated rights and the related international interest made by way of security, Articles 8, 9 and 11 to 14 apply in the relations between the assignor and the assignee (and, in relation to associated rights, apply in so far as those provisions are capable of application to intangible property) as if references,—

(a) to the secured obligation and the security interest were references to the obligation secured by the assignment of the associated rights and the related international interest and the security interest created by that assignment;

(b) to the chargee or creditor and chargor or debtor were references to the assignee and assignor;

(c) to the holder of the international interest were references to the assignee; and

(d) to the object were references to the assigned associated rights and the related international interest.

### Article 35

#### *Priority of competing assignments*

1. Where there are competing assignments of associated rights and at least one of the assignments includes the related international interest and is registered, the provisions of Article 29 apply as if the references to a registered interest were references to an assignment of the associated rights and the related registered interest and as if references to a registered or unregistered interest were references to a registered or unregistered assignment.

2. Article 30 applies to an assignment of associated rights as if the references to an international interest were references to an assignment of the associated rights and the related international interest.

### Article 36

#### *Assignee's priority with respect to associated rights*

1. The assignee of associated rights and the related international interest whose assignment has been registered only has priority under Article 35(1) over another assignee of the associated rights:

(a) if the contract under which the associated rights arise states that they are secured by or associated with the object; and

(b) to the extent that the associated rights are related to an object.

2. For the purposes of sub-paragraph (b) of the preceding paragraph, associated rights are related to an object only to the extent that they consist of rights to payment or performance that relate to:

(a) a sum advanced and utilised for the purchase of the object;

(b) a sum advanced and utilised for the purchase of another object in which the assignor held another international interest if the assignor transferred that interest to the assignee and the assignment has been registered;

(c) the price payable for the object;

(d) the rentals payable in respect of the object; or

(e) other obligations arising from a transaction referred to in any of the preceding sub-paragraphs.

3. In all other cases, the priority of the competing assignments of the associated rights shall be determined by the applicable law.

### **Article 37**

#### *Effects of assignor's insolvency*

The provisions of Article 30 apply to insolvency proceedings against the assignor as if references to the debtor were references to the assignor.

### **Article 38**

#### *Subrogation*

1. Subject to paragraph 2, nothing in this Convention affects the acquisition of associated rights and the related international interest by legal or contractual subrogation under the applicable law.

2. The priority between any interest within the preceding paragraph and a competing interest may be varied by agreement in writing between the holders of the respective interests but an assignee of a subordinated interest is not bound by an agreement to subordinate that interest unless at the time of the assignment a subordination had been registered relating to that agreement.

## **CHAPTER X**

### **RIGHTS OR INTERESTS SUBJECT TO DECLARATIONS BY CONTRACTING STATES**

### **Article 39**

#### *Rights having priority without registration*

1. A Contracting State may at any time, in a declaration deposited with the Depositary of the Protocol declare, generally or specifically:

(a) those categories of non-consensual right or interest (other than a right or interest to which Article 40 applies) which under that State's law have priority over an interest in an object equivalent to that of the holder of a registered international interest and which shall have priority over a registered international interest, whether in or outside insolvency proceedings; and

(b) that nothing in this Convention shall affect the right of a State or State entity, intergovernmental organisation or other private provider of public services to arrest or detain an object under the laws of that State for payment of amounts owed to such entity, organisation or provider directly relating to those services in respect of that object or another object.

2. A declaration made under the preceding paragraph may be expressed to cover categories that are created after the deposit of that declaration.

3. A non-consensual right or interest has priority over an international interest if and only if the former is of a category covered by a declaration deposited prior to the registration of the international interest.

4. Notwithstanding the preceding paragraph, a Contracting State may, at the time of ratification, acceptance, approval of, or accession to the Protocol, declare that a right or interest of a category covered by a declaration made under sub-paragraph (a) of paragraph 1 shall have priority over an international interest registered prior to the date of such ratification, acceptance, approval or accession.

#### **Article 40**

##### *Registrable non-consensual rights or interests*

A Contracting State may at any time in a declaration deposited with the Depositary of the Protocol list the categories of non-consensual right or interest which shall be registrable under this Convention as regards any category of object as if the right or interest were an international interest and shall be regulated accordingly. Such a declaration may be modified from time to time.

### **CHAPTER XI**

#### **APPLICATION OF THE CONVENTION TO SALES**

#### **Article 41**

##### *Sale and prospective sale*

This Convention shall apply to the sale or prospective sale of an object as provided for in the Protocol with any modifications therein.

### **CHAPTER XII**

#### **JURISDICTION**

#### **Article 42**

##### *Choice of forum*

1. Subject to Articles 43 and 44, the courts of a Contracting State chosen by the parties to a transaction have jurisdiction in respect of any claim brought under this Convention, whether or not the chosen forum has a connection with the parties or the transaction. Such jurisdiction shall be exclusive unless otherwise agreed between the parties.

2. Any such agreement shall be in writing or otherwise concluded in accordance with the formal requirements of the law of the chosen forum.

**Article 43***Jurisdiction under Article 13*

1. The courts of a Contracting State chosen by the parties and the courts of the Contracting State on the territory of which the object is situated have jurisdiction to grant relief under Article 13(1)(a), (b), (c) and Article 13(4) in respect of that object.

2. Jurisdiction to grant relief under Article 13(1)(d) or other interim relief by virtue of Article 13(4) may be exercised either:

(a) by the courts chosen by the parties; or

(b) by the courts of a Contracting State on the territory of which the debtor is situated, being relief which, by the terms of the order granting it, is enforceable only in the territory of that Contracting State.

3. A court has jurisdiction under the preceding paragraphs even if the final determination of the claim referred to in Article 13(1) will or may take place in a court of another Contracting State or by arbitration.

**Article 44***Jurisdiction to make orders against the Registrar*

1. The courts of the place in which the Registrar has its centre of administration shall have exclusive jurisdiction to award damages or make orders against the Registrar.

2. Where a person fails to respond to a demand made under Article 25 and that person has ceased to exist or cannot be found for the purpose of enabling an order to be made against it requiring it to procure discharge of the registration, the courts referred to in the preceding paragraph shall have exclusive jurisdiction, on the application of the debtor or intending debtor, to make an order directed to the Registrar requiring the Registrar to discharge the registration.

3. Where a person fails to comply with an order of a court having jurisdiction under this Convention or, in the case of a national interest, an order of a court of competent jurisdiction requiring that person to procure the amendment or discharge of a registration, the courts referred to in paragraph 1 may direct the Registrar to take such steps as will give effect to that order.

4. Except as otherwise provided by the preceding paragraphs, no court may make orders or give judgments or rulings against or purporting to bind the Registrar.

**Article 45***Jurisdiction in respect of insolvency proceedings*

The provisions of this Chapter are not applicable to insolvency proceedings.

**CHAPTER XIII****RELATIONSHIP WITH OTHER CONVENTIONS****Article 45 bis***Relationship with the United Nations Convention on the Assignment of Receivables in International Trade*

This Convention shall prevail over the United Nations Convention on the Assignment of Receivables in International Trade, opened for signature in New York on 12 December 2001, as it relates to the assignment of receivables which are associated rights related to international interests in aircraft objects, railway rolling stock and space assets.



**Article 46***Relationship with the UNIDROIT Convention on International Financial Leasing*

The Protocol may determine the relationship between this Convention and the UNIDROIT Convention on International Financial Leasing, signed at Ottawa on 28 May 1988.

**CHAPTER XIV****FINAL PROVISIONS****Article 47***Signature, ratification, acceptance, approval or accession*

1. This Convention shall be open for signature in Cape Town on 16 November 2001 by States participating in the Diplomatic Conference to Adopt a Mobile Equipment Convention and an Aircraft Protocol held at Cape Town from 29 October to 16 November 2001. After 16 November 2001, the Convention shall be open to all States for signature at the Headquarters of the International Institute for the Unification of Private Law (UNIDROIT) in Rome until it enters into force in accordance with Article 49.

2. This Convention shall be subject to ratification, acceptance or approval by States which have signed it.

3. Any State which does not sign this Convention may accede to it at any time.

4. Ratification, acceptance, approval or accession is effected by the deposit of a formal instrument to that effect with the Depositary.

**Article 48***Regional Economic Integration Organisations*

1. A Regional Economic Integration Organisation which is constituted by sovereign States and has competence over certain matters governed by this Convention may similarly sign, accept, approve or accede to this Convention. The Regional Economic Integration Organisation shall in that case have the rights and obligations of a Contracting State, to the extent that that Organisation has competence over matters governed by this Convention. Where the number of Contracting States is relevant in this Convention, the Regional Economic Integration Organisation shall not count as a Contracting State in addition to its Member States which are Contracting States.

2. The Regional Economic Integration Organisation shall, at the time of signature, acceptance, approval or accession, make a declaration to the Depositary specifying the matters governed by this Convention in respect of which competence has been transferred to that Organisation by its Member States. The Regional Economic Integration Organisation shall promptly notify the Depositary of any changes to the distribution of competence, including new transfers of competence, specified in the declaration under this paragraph.

3. Any reference to a "Contracting State" or "Contracting States" or "State Party" or "States Parties" in this Convention applies equally to a Regional Economic Integration Organisation where the context so requires.

**Article 49***Entry into force*

1. This Convention enters into force on the first day of the month following the expiration of three months after the date of the deposit of the third instrument of ratification, acceptance, approval or accession but only as regards a category of objects to which a Protocol applies:



- (a) as from the time of entry into force of that Protocol;
- (b) subject to the terms of that Protocol; and
- (c) as between States Parties to this Convention and that Protocol.

2. For other States this Convention enters into force on the first day of the month following the expiration of three months after the date of the deposit of their instrument of ratification, acceptance, approval or accession but only as regards a category of objects to which a Protocol applies and subject, in relation to such Protocol, to the requirements of sub-paragraphs (a), (b) and (c) of the preceding paragraph.

## Article 50

### *Internal transactions*

1. A Contracting State may, at the time of ratification, acceptance, approval of, or accession to the Protocol, declare that this Convention shall not apply to a transaction which is an internal transaction in relation to that State with regard to all types of objects or some of them.

2. Notwithstanding the preceding paragraph, the provisions of Articles 8(4), 9(1), 16, Chapter V, Article 29, and any provisions of this Convention relating to registered interests shall apply to an internal transaction.

3. Where notice of a national interest has been registered in the International Registry, the priority of the holder of that interest under Article 29 shall not be affected by the fact that such interest has become vested in another person by assignment or subrogation under the applicable law.

## Article 51

### *Future Protocols*

1. The Depositary may create working groups, in co-operation with such relevant non-governmental organisations as the Depositary considers appropriate, to assess the feasibility of extending the application of this Convention, through one or more Protocols, to objects of any category of high-value mobile equipment, other than a category referred to in Article 2(3), each member of which is uniquely identifiable, and associated rights relating to such objects.

2. The Depositary shall communicate the text of any preliminary draft Protocol relating to a category of objects prepared by such a working group to all States Parties to this Convention, all member States of the Depositary, member States of the United Nations which are not members of the Depositary and the relevant intergovernmental organisations, and shall invite such States and organisations to participate in intergovernmental negotiations for the completion of a draft Protocol on the basis of such a preliminary draft Protocol.

3. The Depositary shall also communicate the text of any preliminary draft Protocol prepared by such a working group to such relevant non-governmental organisations as the Depositary considers appropriate. Such non-governmental organisations shall be invited promptly to submit comments on the text of the preliminary draft Protocol to the Depositary and to participate as observers in the preparation of a draft Protocol.

4. When the competent bodies of the Depositary adjudge such a draft Protocol ripe for adoption, the Depositary shall convene a diplomatic conference for its adoption.

5. Once such a Protocol has been adopted, subject to paragraph 6, this Convention shall apply to the category of objects covered thereby.

6. Article 45 bis of this Convention applies to such a Protocol only if specifically provided for in that Protocol.

## **Article 52**

### *Territorial units*

1. If a Contracting State has territorial units in which different systems of law are applicable in relation to the matters dealt with in this Convention, it may, at the time of ratification, acceptance, approval or accession, declare that this Convention is to extend to all its territorial units or only to one or more of them and may modify its declaration by submitting another declaration at any time.

2. Any such declaration shall state expressly the territorial units to which this Convention applies.

3. If a Contracting State has not made any declaration under paragraph 1, this Convention shall apply to all territorial units of that State.

4. Where a Contracting State extends this Convention to one or more of its territorial units, declarations permitted under this Convention may be made in respect of each such territorial unit, and the declarations made in respect of one territorial unit may be different from those made in respect of another territorial unit.

5. If by virtue of a declaration under paragraph 1, this Convention extends to one or more territorial units of a Contracting State:

(a) the debtor is considered to be situated in a Contracting State only if it is incorporated or formed under a law in force in a territorial unit to which this Convention applies or if it has its registered office or statutory seat, centre of administration, place of business or habitual residence in a territorial unit to which this Convention applies;

(b) any reference to the location of the object in a Contracting State refers to the location of the object in a territorial unit to which this Convention applies; and

(c) any reference to the administrative authorities in that Contracting State shall be construed as referring to the administrative authorities having jurisdiction in a territorial unit to which this Convention applies.

## **Article 53**

### *Determination of courts*

A Contracting State may, at the time of ratification, acceptance, approval of, or accession to the Protocol, declare the relevant “court” or “courts” for the purposes of Article 1 and Chapter XII of this Convention.

## **Article 54**

### *Declarations regarding remedies*

1. A Contracting State may, at the time of ratification, acceptance, approval of, or accession to the Protocol, declare that while the charged object is situated within, or controlled from its territory the chargee shall not grant a lease of the object in that territory.

2. A Contracting State shall, at the time of ratification, acceptance, approval of, or accession to the Protocol, declare whether or not any remedy available to the creditor under any provision of this Convention which is not there expressed to require application to the court may be exercised only with leave of the court.

**Article 55***Declarations regarding relief pending final determination*

A Contracting State may, at the time of ratification, acceptance, approval of, or accession to the Protocol, declare that it will not apply the provisions of Article 13 or Article 43, or both, wholly or in part. The declaration shall specify under which conditions the relevant Article will be applied, in case it will be applied partly, or otherwise which other forms of interim relief will be applied.

**Article 56***Reservations and declarations*

1. No reservations may be made to this Convention but declarations authorised by Articles 39, 40, 50, 52, 53, 54, 55, 57, 58 and 60 may be made in accordance with these provisions.

2. Any declaration or subsequent declaration or any withdrawal of a declaration made under this Convention shall be notified in writing to the Depositary.

**Article 57***Subsequent declarations*

1. A State Party may make a subsequent declaration, other than a declaration authorised under Article 60, at any time after the date on which this Convention has entered into force for it, by notifying the Depositary to that effect.

2. Any such subsequent declaration shall take effect on the first day of the month following the expiration of six months after the date of receipt of the notification by the Depositary. Where a longer period for that declaration to take effect is specified in the notification, it shall take effect upon the expiration of such longer period after receipt of the notification by the Depositary.

3. Notwithstanding the previous paragraphs, this Convention shall continue to apply, as if no such subsequent declarations had been made, in respect of all rights and interests arising prior to the effective date of any such subsequent declaration.

**Article 58***Withdrawal of declarations*

1. Any State Party having made a declaration under this Convention, other than a declaration authorised under Article 60, may withdraw it at any time by notifying the Depositary. Such withdrawal is to take effect on the first day of the month following the expiration of six months after the date of receipt of the notification by the Depositary.

2. Notwithstanding the previous paragraph, this Convention shall continue to apply, as if no such withdrawal of declaration had been made, in respect of all rights and interests arising prior to the effective date of any such withdrawal.

**Article 59***Denunciations*

1. Any State Party may denounce this Convention by notification in writing to the Depositary.

2. Any such denunciation shall take effect on the first day of the month following the expiration of twelve months after the date on which notification is received by the Depositary.

3. Notwithstanding the previous paragraphs, this Convention shall continue to apply, as if no such denunciation had been made, in respect of all rights and interests arising prior to the effective date of any such denunciation.

## Article 60

### *Transitional provisions*

1. Unless otherwise declared by a Contracting State at any time, the Convention does not apply to a pre-existing right or interest, which retains the priority it enjoyed under the applicable law before the effective date of this Convention.

2. For the purposes of Article 1(v) and of determining priority under this Convention:

(a) “effective date of this Convention” means in relation to a debtor the time when this Convention enters into force or the time when the State in which the debtor is situated becomes a Contracting State, whichever is the later; and

(b) the debtor is situated in a State where it has its centre of administration or, if it has no centre of administration, its place of business or, if it has more than one place of business, its principal place of business or, if it has no place of business, its habitual residence.

3. A Contracting State may in its declaration under paragraph 1 specify a date, not earlier than three years after the date on which the declaration becomes effective, when this Convention and the Protocol will become applicable, for the purpose of determining priority, including the protection of any existing priority, to pre-existing rights or interests arising under an agreement made at a time when the debtor was situated in a State referred to in sub-paragraph (b) of the preceding paragraph but only to the extent and in the manner specified in its declaration.

## Article 61

### *Review Conferences, amendments and related matters*

1. The Depositary shall prepare reports yearly or at such other time as the circumstances may require for the States Parties as to the manner in which the international regimen established in this Convention has operated in practice. In preparing such reports, the Depositary shall take into account the reports of the Supervisory Authority concerning the functioning of the international registration system.

2. At the request of not less than twenty-five per cent. of the States Parties, Review Conferences of States Parties shall be convened from time to time by the Depositary, in consultation with the Supervisory Authority, to consider:

(a) the practical operation of this Convention and its effectiveness in facilitating the asset-based financing and leasing of the objects covered by its terms;

(b) the judicial interpretation given to, and the application made of the terms of this Convention and the regulations;

(c) the functioning of the international registration system, the performance of the Registrar and its oversight by the Supervisory Authority, taking into account the reports of the Supervisory Authority; and

(d) whether any modifications to this Convention or the arrangements relating to the International Registry are desirable.

3. Subject to paragraph 4, any amendment to this Convention shall be approved by at least a two-thirds majority of States Parties participating in the Conference referred to in the preceding paragraph and shall then enter into force in respect of States which have ratified, accepted or approved such amendment when ratified, accepted, or approved by three States in accordance with the provisions of Article 49 relating to its entry into force.

4. Where the proposed amendment to this Convention is intended to apply to more than one category of equipment, such amendment shall also be approved by at least a two-thirds majority of States Parties to each Protocol that are participating in the Conference referred to in paragraph 2.

## Article 62

### *Depositary and its functions*

1. Instruments of ratification, acceptance, approval or accession shall be deposited with the International Institute for the Unification of Private Law (UNIDROIT), which is hereby designated the Depositary.

2. The Depositary shall:

(a) inform all Contracting States of:

(i) each new signature or deposit of an instrument of ratification, acceptance, approval or accession, together with the date thereof;

(ii) the date of entry into force of this Convention;

(iii) each declaration made in accordance with this Convention, together with the date thereof;

(iv) the withdrawal or amendment of any declaration, together with the date thereof; and

(v) the notification of any denunciation of this Convention together with the date thereof and the date on which it takes effect;

(b) transmit certified true copies of this Convention to all Contracting States;

(c) provide the Supervisory Authority and the Registrar with a copy of each instrument of ratification, acceptance, approval or accession, together with the date of deposit thereof, of each declaration or withdrawal or amendment of a declaration and of each notification of denunciation, together with the date of notification thereof, so that the information contained therein is easily and fully available; and

(d) perform such other functions customary for depositaries.

## THE SECOND SCHEDULE

[See clause (i) of sub-section (1) of section 2]

DECLARATIONS LODGED BY THE REPUBLIC OF INDIA UNDER THE CONVENTION  
ON INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT AT THE TIME OF THE DEPOSIT  
OF ITS INSTRUMENT OF ACCESSION

(i) Form No. 1 [Specific declaration under Article 39(1)(a)]

The following categories of non-consensual right or interest have priority under its laws over an interest in an aircraft object equivalent to that of the holder of a registered international interest and shall have priority over a registered international interest, whether in or outside insolvency proceedings, namely:—

(a) liens in favour of airline employees for unpaid wages arising since the time of a declared default by that airline under a contract to finance or lease and aircraft object;

(b) liens or other rights of an authority of India relating to taxes or other unpaid charges arising from or related to the use of that aircraft object and owed by the owner or operator of that aircraft object, arising since the time of a default by that owner or operator under a contract to finance or lease that aircraft object; and

(c) liens in favour of repairers of an aircraft object in their possession to the extent of service or services performed on and value added to that aircraft object.

(ii) Form No. 4 [General declaration under Article 39(1)(b)]

Nothing in the Convention shall affect its right or that of any entity thereof, or any intergovernmental organisation in which India is a member, or other private provider of public services in India, to arrest or detain an aircraft object under its laws for payment of amounts owed to the Government of India, any such entity, organisation or provider directly relating to the service or services provided by it in respect of that object or another aircraft object.

(iii) Form No. 6 (Declaration under Article 40)

The following categories of non-consensual right or interest shall be registrable under the Convention as regards any category of aircraft object as if the right or interest were an international interest and shall be regulated accordingly, namely:—

(a) liens in favour of airline employees for unpaid wages arising prior to the time of a declared default by that airline under a contract to finance or lease an aircraft object;

(b) liens or other rights of an authority of India relating to taxes or other unpaid charges arising from or related to the use of an aircraft object and owed by the owner or operator of that aircraft object, arising prior to the time of a declared default by that owner or operator under a contract to finance or lease that aircraft object; and

(c) rights of a person obtaining a court order permitting attachment of an aircraft object in partial or full satisfaction of a legal judgment.

(iv) Form No. 10 (General declaration under Article 52)

The Convention shall apply to all its territorial units.

(v) Form No. 11 (Declaration under Article 53)

All the High Courts within their respective territorial jurisdiction are the relevant courts for the purposes of Article 1 and Chapter XII of the Convention.

(vi) Form No. 13 [Mandatory declaration under Article 54(2)]

Any and all remedies available to the creditor under the Convention which are not expressed under the relevant provision thereof to require application to the court may be exercised without court action and without leave of the court.

DECLARATIONS LODGED BY THE REPUBLIC OF INDIA UNDER THE PROTOCOL TO  
THE CONVENTION ON INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT ON  
MATTERS SPECIFIC TO AIRCRAFT EQUIPMENT AT THE TIME OF THE DEPOSIT OF ITS  
INSTRUMENT OF ACCESSION

(i) Form No. 19 [Declaration under Article XXX(1) in respect of  
Article VIII]

India will apply Article VIII.

(ii) Form No. 21 [Declaration under Article XXX(2) in respect of  
Article X providing for the application of the entirety of Article X]

India will apply Article X of the Protocol in its entirety and the number of working days to be used for the purposes of the time limit laid down in Article X(2) of the Protocol shall be that equal to no more than:

(a) ten (10) working days in respect of the remedies specified in Article 13(1)(a), (b) and (c) of the Convention (respectively, preservation of aircraft objects and their value; possession, control or custody of aircraft objects; and, immobilization of aircraft objects); and

(b) thirty (30) working days in respect of the remedies specified in Article 13(1) (d) and (e) of the Convention (respectively, lease or management of aircraft objects and the income thereof; and, sale and application of proceeds from aircraft objects).

(iii) Form No. 23 [General declaration under Article XXX(3) in  
respect of Article XI providing for the application of Alternative A in its  
entirety to all types of insolvency proceeding]

India will apply Article XI, Alternative A, of the Protocol in its entirety to all types of insolvency proceedings, and that the waiting period for the purposes of Article XI(3) of that Alternative shall be two (2) calendar months.

(iv) Form No. 26 [Declaration under Article XXX(1) in respect of Article XII]

India will apply Article XII.

(v) Form No. 27 [Declaration under Article XXX(1) in respect of Article XIII]

India will apply Article XIII.



## THE THIRD SCHEDULE

[See clause (m) of sub-section (1) of section 2]

PROVISIONS OF THE PROTOCOL TO THE CONVENTION ON INTERNATIONAL  
INTERESTS IN MOBILE EQUIPMENT ON MATTERS SPECIFIC TO AIRCRAFT  
EQUIPMENT WHICH SHALL HAVE THE FORCE OF LAW

## CHAPTER I

Sphere of application and general provisions

## Article I

## Defined terms

1. In this Protocol, except where the context otherwise requires, terms used in it have the meanings set out in the Convention.

2. In this Protocol the following terms are employed with the meanings set out below:

(a) “aircraft” means aircraft as defined for the purposes of the Chicago Convention which are either airframes with aircraft engines installed thereon or helicopters;

(b) “aircraft engines” means aircraft engines (other than those used in military, customs or police services) powered by jet propulsion or turbine or piston technology and:

(i) in the case of jet propulsion aircraft engines, have at least 1750 lb of thrust or its equivalent; and

(ii) in the case of turbine-powered or piston-powered aircraft engines, have at least 550 rated take-off shaft horsepower or its equivalent, together with all modules and other installed, incorporated or attached accessories, parts and equipment and all data, manuals and records relating thereto;

(c) “aircraft objects” means airframes, aircraft engines and helicopters;

(d) “aircraft register” means a register maintained by a State or a common mark registering authority for the purposes of the Chicago Convention;

(e) “airframes” means airframes (other than those used in military, customs or police services) that, when appropriate aircraft engines are installed thereon, are type certified by the competent aviation authority to transport:

(i) at least eight (8) persons including crew; or

(ii) goods in excess of 2750 kilograms, together with all installed, incorporated or attached accessories, parts and equipment (other than aircraft engines), and all data, manuals and records relating thereto;

(f) “authorised party” means the party referred to in Article XIII(3);

(g) “Chicago Convention” means the Convention on International Civil Aviation, signed at Chicago on 7 December 1944, as amended, and its Annexes;

(h) “common mark registering authority” means the authority maintaining a register in accordance with Article 77 of the Chicago Convention as implemented by the Resolution adopted on 14 December 1967 by the Council of the International Civil Aviation Organization on nationality and registration of aircraft operated by international operating agencies;



(i) “de-registration of the aircraft” means deletion or removal of the registration of the aircraft from its aircraft register in accordance with the Chicago Convention;

(j) “guarantee contract” means a contract entered into by a person as guarantor;

(k) “guarantor” means a person who, for the purpose of assuring performance of any obligations in favour of a creditor secured by a security agreement or under an agreement, gives or issues a suretyship or demand guarantee or a standby letter of credit or any other form of credit insurance;

(l) “helicopters” means heavier-than-air machines (other than those used in military, customs or police services) supported in flight chiefly by the reactions of the air on one or more power-driven rotors on substantially vertical axes and which are type certified by the competent aviation authority to transport:

(i) at least five (5) persons including crew; or

(ii) goods in excess of 450 kilograms, together with all installed, incorporated or attached accessories, parts and equipment (including rotors), and all data, manuals and records relating thereto;

(m) “insolvency-related event” means:

(i) the commencement of the insolvency proceedings; or

(ii) the declared intention to suspend or actual suspension of payments by the debtor where the creditor’s right to institute insolvency proceedings against the debtor or to exercise remedies under the Convention is prevented or suspended by law or State action;

(n) “primary insolvency jurisdiction” means the Contracting State in which the centre of the debtor’s main interests is situated, which for this purpose shall be deemed to be the place of the debtor’s statutory seat or, if there is none, the place where the debtor is incorporated or formed, unless proved otherwise;

(o) “registry authority” means the national authority or the common mark registering authority, maintaining an aircraft register in a Contracting State and responsible for the registration and de-registration of an aircraft in accordance with the Chicago Convention; and

(p) “State of registry” means, in respect of an aircraft, the State on the national register of which an aircraft is entered or the State of location of the common mark registering authority maintaining the aircraft register.

## Article II

### Application of Convention as regards aircraft objects

1. The Convention shall apply in relation to aircraft objects as provided by the terms of this Protocol.

2. The Convention and this Protocol shall be known as the Convention on International Interests in Mobile Equipment as applied to aircraft objects.

## Article III

### Application of Convention to sales

The following provisions of the Convention apply as if references to an agreement creating or providing for an international interest were references to a contract of sale and as if references to an international interest, a prospective international interest, the debtor and the creditor were references to a sale, a prospective sale, the seller and the buyer respectively: Articles 3 and 4; Article 16(1)(a); Article 19(4); Article 20(1) (as regards registration of a contract of sale or a prospective sale); Article 25(2) (as regards a prospective sale); and Article 30.

In addition, the general provisions of Article 1, Article 5, Chapters IV to VII, Article 29 [other than Article 29(3) which is replaced by Articles XIV(1) and (2)], Chapter X, Chapter XII (other than Article 43), Chapter XIII and Chapter XIV (other than Article 60) shall apply to contracts of sale and prospective sales.

#### **Article IV**

##### **Sphere of application**

1. Without prejudice to Article 3(1) of the Convention, the Convention shall also apply in relation to a helicopter, or to an airframe pertaining to an aircraft, registered in an aircraft register of a Contracting State which is the State of registry, and where such registration is made pursuant to an agreement for registration of the aircraft it is deemed to have been effected at the time of the agreement.

2. For the purposes of the definition of “internal transaction” in Article 1 of the Convention:

(a) an airframe is located in the State of registry of the aircraft of which it is a part;

(b) an aircraft engine is located in the State of registry of the aircraft on which it is installed or, if it is not installed on an aircraft, where it is physically located; and

(c) a helicopter is located in its State of registry, at the time of the conclusion of the agreement creating or providing for the interest.

3. The parties may, by agreement in writing, exclude the application of Article XI and, in their relations with each other, derogate from or vary the effect of any of the provisions of this Protocol except Article IX(2)-(4).

#### **Article V**

##### **Formalities, effects and registration of contracts of sale**

1. For the purposes of this Protocol, a contract of sale is one which:

(a) is in writing;

(b) relates to an aircraft object of which the seller has power to dispose; and

(c) enables the aircraft object to be identified in conformity with this Protocol.

2. A contract of sale transfers the interest of the seller in the aircraft object to the buyer according to its terms.

3. Registration of a contract of sale remains effective indefinitely. Registration of a prospective sale remains effective unless discharged or until expiry of the period, if any, specified in the registration.

#### **Article VI**

##### **Representative capacities**

A person may enter into an agreement or a sale, and register an international interest in, or a sale of, an aircraft object, in an agency, trust or other representative capacity. In such case, that person is entitled to assert rights and interests under the Convention.

#### **Article VII**

##### **Description of aircraft objects**

A description of an aircraft object that contains its manufacturer's serial number, the name of the manufacturer and its model designation is necessary and sufficient to identify the object for the purposes of Article 7(c) of the Convention and Article V(1)(c) of this Protocol.

**Article VIII****Choice of law**

1. This Article applies only where a Contracting State has made a declaration pursuant to Article XXX(1).
2. The parties to an agreement, or a contract of sale, or a related guarantee contract or subordination agreement may agree on the law which is to govern their contractual rights and obligations, wholly or in part.
3. Unless otherwise agreed, the reference in the preceding paragraph to the law chosen by the parties is to the domestic rules of law of the designated State or, where that State comprises several territorial units, to the domestic law of the designated territorial unit.

**CHAPTER II**

## Default remedies, priorities and assignments

**Article IX****Modification of default remedies provisions**

1. In addition to the remedies specified in Chapter III of the Convention, the creditor may, to the extent that the debtor has at any time so agreed and, in the circumstances, specified in that Chapter:
  - (a) procure the de-registration of the aircraft; and
  - (b) procure the export and physical transfer of the aircraft object from the territory in which it is situated.
2. The creditor shall not exercise the remedies specified in the preceding paragraph without the prior consent in writing of the holder of any registered interest ranking in priority to that of the creditor.
3. Article 8(3) of the Convention shall not apply to aircraft objects. Any remedy given by the Convention in relation to an aircraft object shall be exercised in a commercially reasonable manner. A remedy shall be deemed to be exercised in a commercially reasonable manner where it is exercised in conformity with a provision of the agreement except where such a provision is manifestly unreasonable.
4. A chargee giving ten or more working days' prior written notice of a proposed sale or lease to interested persons shall be deemed to satisfy the requirement of providing "reasonable prior notice" specified in Article 8(4) of the Convention. The foregoing shall not prevent a chargee and a chargor or a guarantor from agreeing to a longer period of prior notice.
5. The registry authority in a Contracting State shall, subject to any applicable safety laws and regulations, honour a request for de-registration and export if:
  - (a) the request is properly submitted by the authorised party under a recorded irrevocable de-registration and export request authorisation; and
  - (b) the authorised party certifies to the registry authority, if required by that authority, that all registered interests ranking in priority to that of the creditor in whose favour the authorisation has been issued have been discharged or that the holders of such interests have consented to the de-registration and export.
6. A chargee proposing to procure the de-registration and export of an aircraft under paragraph 1 otherwise than pursuant to a court order shall give reasonable prior notice in writing of the proposed de-registration and export to:

(a) interested persons specified in Article 1(m)(i) and (ii) of the Convention; and

(b) interested persons specified in Article 1(m)(iii) of the Convention who have given notice of their rights to the chargee within a reasonable time prior to the de-registration and export.

## **Article X**

### **Modification of provisions regarding relief pending final determination**

1. This Article applies only where a Contracting State has made a declaration under Article XXX(2) and to the extent stated in such declaration.

2. For the purposes of Article 13(I) of the Convention, “speedy” in the context of obtaining relief means within such number of working days from the date of filing of the application for relief as is specified in a declaration made by the Contracting State in which the application is made.

3. Article 13(I) of the Convention applies with the following being added immediately after sub-paragraph (d): “(e) if at any time the debtor and the creditor specifically agree, sale and application of proceeds therefrom”, and Article 43(2) applies with the insertion after the words “Article 13(I)(d)” of the words “and (e)”.

4. Ownership or any other interest of the debtor passing on a sale under the preceding paragraph is free from any other interest over which the creditor’s international interest has priority under the provisions of Article 29 of the Convention.

5. The creditor and the debtor or any other interested person may agree in writing to exclude the application of Article 13(2) of the Convention.

6. With regard to the remedies in Article IX(I):

(a) they shall be made available by the registry authority and other administrative authorities, as applicable, in a Contracting State no later than five working days after the creditor notifies such authorities that the relief specified in Article IX(I) is granted or, in the case of relief granted by a foreign court, recognised by a court of that Contracting State, and that the creditor is entitled to procure those remedies in accordance with the Convention; and

(b) the applicable authorities shall expeditiously co-operate with and assist the creditor in the exercise of such remedies in conformity with the applicable aviation safety laws and regulations.

7. Paragraphs 2 and 6 shall not affect any applicable aviation safety laws and regulations.

## **Article XI**

### **Remedies on insolvency**

1. This Article applies only where a Contracting State that is the primary insolvency jurisdiction has made a declaration pursuant to Article XXX(3).

#### **Alternative A**

2. Upon the occurrence of an insolvency-related event, the insolvency administrator or the debtor, as applicable, shall, subject to paragraph 7, give possession of the aircraft object to the creditor no later than the earlier of:

(a) the end of the waiting period; and

(b) the date on which the creditor would be entitled to possession of the aircraft object if this Article did not apply.

3. For the purposes of this Article, the “waiting period” shall be the period specified in a declaration of the Contracting State which is the primary insolvency jurisdiction.

4. References in this Article to the “insolvency administrator” shall be to that person in its official, not in its personal, capacity.

5. Unless and until the creditor is given the opportunity to take possession under paragraph 2:

(a) the insolvency administrator or the debtor, as applicable, shall preserve the aircraft object and maintain it and its value in accordance with the agreement; and

(b) the creditor shall be entitled to apply for any other forms of interim relief available under the applicable law.

6. Sub-paragraph (a) of the preceding paragraph shall not preclude the use of the aircraft object under arrangements designed to preserve the aircraft object and maintain it and its value.

7. The insolvency administrator or the debtor, as applicable, may retain possession of the aircraft object where, by the time specified in paragraph 2, it has cured all defaults other than a default constituted by the opening of insolvency proceedings and has agreed to perform all future obligations under the agreement. A second waiting period shall not apply in respect of a default in the performance of such future obligations.

8. With regard to the remedies in Article IX(1):

(a) they shall be made available by the registry authority and the administrative authorities in a Contracting State, as applicable, no later than five working days after the date on which the creditor notifies such authorities that it is entitled to procure those remedies in accordance with the Convention; and

(b) the applicable authorities shall expeditiously co-operate with and assist the creditor in the exercise of such remedies in conformity with the applicable aviation safety laws and regulations.

9. No exercise of remedies permitted by the Convention or this Protocol may be prevented or delayed after the date specified in paragraph 2.

10. No obligations of the debtor under the agreement may be modified without the consent of the creditor.

11. Nothing in the preceding paragraph shall be construed to affect the authority, if any, of the insolvency administrator under the applicable law to terminate the agreement.

12. No rights or interests, except for non-consensual rights or interests of a category covered by a declaration pursuant to Article 39(1), shall have priority in insolvency proceedings over registered interests.

13. The Convention as modified by Article IX of this Protocol shall apply to the exercise of any remedies under this Article.

#### Alternative B

2. Upon the occurrence of an insolvency-related event, the insolvency administrator or the debtor, as applicable, upon the request of the creditor, shall give notice to the creditor within the time specified in a declaration of a Contracting State pursuant to Article XXX(3) whether it will:

(a) cure all defaults other than a default constituted by the opening of insolvency proceedings and agree to perform all future obligations, under the agreement and related transaction documents; or

(b) give the creditor the opportunity to take possession of the aircraft object, in accordance with the applicable law.

3. The applicable law referred to in sub-paragraph (b) of the preceding paragraph may permit the court to require the taking of any additional step or the provision of any additional guarantee.

4. The creditor shall provide evidence of its claims and proof that its international interest has been registered.

5. If the insolvency administrator or the debtor, as applicable, does not give notice in conformity with paragraph 2, or when the insolvency administrator or the debtor has declared that it will give the creditor the opportunity to take possession of the aircraft object but fails to do so, the court may permit the creditor to take possession of the aircraft object upon such terms as the court may order and may require the taking of any additional step or the provision of any additional guarantee.

6. The aircraft object shall not be sold pending a decision by a court regarding the claim and the international interest.

## **Article XII**

### **Insolvency assistance**

1. This Article applies only where a Contracting State has made a declaration pursuant to Article XXX(I).

2. The courts of a Contracting State in which an aircraft object is situated shall, in accordance with the law of the Contracting State, co-operate to the maximum extent possible with foreign courts and foreign insolvency administrators in carrying out the provisions of Article XI.

## **Article XIII**

### **De-registration and export request authorisation**

1. This Article applies only where a Contracting State has made a declaration pursuant to Article XXX(I).

2. Where the debtor has issued an irrevocable de-registration and export request authorisation substantially in the form annexed to this Protocol and has submitted such authorisation for recordation to the registry authority, that authorisation shall be so recorded.

3. The person in whose favour the authorisation has been issued (the “authorised party”) or its certified designee shall be the sole person entitled to exercise the remedies specified in Article IX(I) and may do so only in accordance with the authorisation and applicable aviation safety laws and regulations. Such authorisation may not be revoked by the debtor without the consent in writing of the authorised party. The registry authority shall remove an authorisation from the registry at the request of the authorised party.

4. The registry authority and other administrative authorities in Contracting States shall expeditiously co-operate with and assist the authorised party in the exercise of the remedies specified in Article IX.

## **Article XIV**

### **Modification of priority provisions**

1. A buyer of an aircraft object under a registered sale acquires its interest in that object free from an interest subsequently registered and from an unregistered interest, even if the buyer has actual knowledge of the unregistered interest.

2. A buyer of an aircraft object acquires its interest in that object subject to an interest registered at the time of its acquisition.

3. Ownership of or another right or interest in an aircraft engine shall not be affected by its installation on or removal from an aircraft.

4. Article 29(7) of the Convention applies to an item, other than an object, installed on an airframe, aircraft engine or helicopter.

### **Article XV**

#### **Modification of assignment provisions**

Article 33(1) of the Convention applies as if the following were added immediately after sub-paragraph (b): “and (c) the debtor has consented in writing, whether or not the consent is given in advance of the assignment or identifies the assignee.”.

### **Article XVI**

#### **Debtor provisions**

1. In the absence of a default within the meaning of Article 11 of the Convention, the debtor shall be entitled to the quiet possession and use of the object in accordance with the agreement as against:

(a) its creditor and the holder of any interest from which the debtor takes free pursuant to Article 29(4) of the Convention or, in the capacity of buyer, Article XIV(1) of this Protocol, unless and to the extent that the debtor has otherwise agreed; and

(b) the holder of any interest to which the debtor’s right or interest is subject pursuant to Article 29(4) of the Convention or, in the capacity of buyer, Article XIV(2) of this Protocol, but only to the extent, if any, that such holder has agreed.

2. Nothing in the Convention or this Protocol affects the liability of a creditor for any breach of the agreement under the applicable law in so far as that agreement relates to an aircraft object.

## **CHAPTER III**

Registry provisions relating to international interests in aircraft objects

### **Article XVII**

#### **The Supervisory Authority and the Registrar**

1. The Supervisory Authority shall be the international entity designated by a Resolution adopted by the Diplomatic Conference to Adopt a Mobile Equipment Convention and an Aircraft Protocol.

2. Where the international entity referred to in the preceding paragraph is not able and willing to act as Supervisory Authority, a Conference of Signatory and Contracting States shall be convened to designate another Supervisory Authority.

3. The Supervisory Authority and its officers and employees shall enjoy such immunity from legal and administrative process as is provided under the rules applicable to them as an international entity or otherwise.

4. The Supervisory Authority may establish a commission of experts, from among persons nominated by Signatory and Contracting States and having the necessary qualifications and experience, and entrust it with the task of assisting the Supervisory Authority in the discharge of its functions.



5. The first Registrar shall operate the International Registry for a period of five years from the date of entry into force of this Protocol. Thereafter, the Registrar shall be appointed or reappointed at regular five-yearly intervals by the Supervisory Authority.

### **Article XVIII**

#### **First regulations**

The first regulations shall be made by the Supervisory Authority so as to take effect upon the entry into force of this Protocol.

### **Article XIX**

#### **Designated entry points**

1. Subject to paragraph 2, a Contracting State may at any time designate an entity or entities in its territory as the entry point or entry points through which there shall or may be transmitted to the International Registry information required for registration other than registration of a notice of a national interest or a right or interest under Article 40 in either case arising under the laws of another State.

2. A designation made under the preceding paragraph may permit, but not compel, use of a designated entry point or entry points for information required for registrations in respect of aircraft engines.

### **Article XX**

#### **Additional modifications to Registry provisions**

1. For the purposes of Article 19(6) of the Convention, the search criteria for an aircraft object shall be the name of its manufacturer, its manufacturer's serial number and its model designation, supplemented as necessary to ensure uniqueness. Such supplementary information shall be specified in the regulations.

2. For the purposes of Article 25(2) of the Convention and in the circumstances there described, the holder of a registered prospective international interest or a registered prospective assignment of an international interest or the person in whose favour a prospective sale has been registered shall take such steps as are within its power to procure the discharge of the registration no later than five working days after the receipt of the demand described in such paragraph.

3. The fees referred to in Article 17(2)(h) of the Convention shall be determined so as to recover the reasonable costs of establishing, operating and regulating the International Registry and the reasonable costs of the Supervisory Authority associated with the performance of the functions, exercise of the powers, and discharge of the duties contemplated by Article 17(2) of the Convention.

4. The centralised functions of the International Registry shall be operated and administered by the Registrar on a twenty-four hour basis. The various entry points shall be operated at least during working hours in their respective territories.

5. The amount of the insurance or financial guarantee referred to in Article 28(4) of the Convention shall, in respect of each event, not be less than the maximum value of an aircraft object as determined by the Supervisory Authority.

6. Nothing in the Convention shall preclude the Registrar from procuring insurance or a financial guarantee covering events for which the Registrar is not liable under Article 28 of the Convention.



**CHAPTER IV**

## Jurisdiction

**Article XXI****Modification of jurisdiction provisions**

For the purposes of Article 43 of the Convention and subject to Article 42 of the Convention, a court of a Contracting State also has jurisdiction where the object is a helicopter, or an airframe pertaining to an aircraft, for which that State is the State of registry.

**Article XXII****Waivers of sovereign immunity**

1. Subject to paragraph 2, a waiver of sovereign immunity from jurisdiction of the courts specified in Article 42 or Article 43 of the Convention or relating to enforcement of rights and interests relating to an aircraft object under the Convention shall be binding and, if the other conditions to such jurisdiction or enforcement have been satisfied, shall be effective to confer jurisdiction and permit enforcement, as the case may be.

2. A waiver under the preceding paragraph must be in writing and contain a description of the aircraft object.

**CHAPTER V**

## Relationship with other conventions

**Article XXIII****Relationship with the Convention on the International Recognition of Rights in Aircraft**

The Convention shall, for a Contracting State that is a party to the Convention on the International Recognition of Rights in Aircraft, signed at Geneva on 19 June 1948, supersede that Convention as it relates to aircraft, as defined in this Protocol, and to aircraft objects. However, with respect to rights or interests not covered or affected by the present Convention, the Geneva Convention shall not be superseded.

**Article XXIV****Relationship with the Convention for the Unification of Certain Rules Relating to the Precautionary Attachment of Aircraft**

1. The Convention shall, for a Contracting State that is a Party to the Convention for the Unification of Certain Rules Relating to the Precautionary Attachment of Aircraft, signed at Rome on 29 May 1933, supersede that Convention as it relates to aircraft, as defined in this Protocol.

2. A Contracting State Party to the above Convention may declare, at the time of ratification, acceptance, approval of, or accession to this Protocol, that it will not apply this Article.

**Article XXV****Relationship with the UNIDROIT Convention on International Financial Leasing**

The Convention shall supersede the UNIDROIT Convention on International Financial Leasing, signed at Ottawa on 28 May 1988, as it relates to aircraft objects.

**CHAPTER VI**

## Final provisions

**Article XXVI****Signature, ratification, acceptance, approval or accession**

1. This Protocol shall be open for signature in Cape Town on 16 November 2001 by States participating in the Diplomatic Conference to Adopt a Mobile Equipment Convention and an Aircraft Protocol held at Cape Town from 29 October to 16 November 2001. After 16 November 2001, this Protocol shall be open to all States for signature at the Headquarters of the International Institute for the Unification of Private Law (UNIDROIT) in Rome until it enters into force in accordance with Article XXVIII.
2. This Protocol shall be subject to ratification, acceptance or approval by States which have signed it.
3. Any State which does not sign this Protocol may accede to it at any time.
4. Ratification, acceptance, approval or accession is effected by the deposit of a formal instrument to that effect with the Depositary.
5. A State may not become a Party to this Protocol unless it is or becomes also a Party to the Convention.

**Article XXVII****Regional Economic Integration Organisations**

1. A Regional Economic Integration Organisation which is constituted by sovereign States and has competence over certain matters governed by this Protocol may similarly sign, accept, approve or accede to this Protocol. The Regional Economic Integration Organisation shall in that case have the rights and obligations of a Contracting State, to the extent that that Organisation has competence over matters governed by this Protocol. Where the number of Contracting States is relevant in this Protocol, the Regional Economic Integration Organisation shall not count as a Contracting State in addition to its Member States which are Contracting States.
2. The Regional Economic Integration Organisation shall, at the time of signature, acceptance, approval or accession, make a declaration to the Depositary specifying the matters governed by this Protocol in respect of which competence has been transferred to that Organisation by its Member States. The Regional Economic Integration Organisation shall promptly notify the Depositary of any changes to the distribution of competence, including new transfers of competence, specified in the declaration under this paragraph.
3. Any reference to a "Contracting State" or "Contracting States" or "State Party" or "States Parties" in this Protocol applies equally to a Regional Economic Integration Organisation where the context so requires.

**Article XXVIII****Entry into force**

1. This Protocol enters into force on the first day of the month following the expiration of three months after the date of the deposit of the eighth instrument of ratification, acceptance, approval or accession, between the States which have deposited such instruments.
2. For other States this Protocol enters into force on the first day of the month following the expiration of three months after the date of the deposit of its instrument of ratification, acceptance, approval or accession.

**Article XXIX****Territorial units**

1. If a Contracting State has territorial units in which different systems of law are applicable in relation to the matters dealt with in this Protocol, it may, at the time of ratification, acceptance, approval or accession, declare that this Protocol is to extend to all its territorial units or only to one or more of them and may modify its declaration by submitting another declaration at any time.

2. Any such declaration shall state expressly the territorial units to which this Protocol applies.

3. If a Contracting State has not made any declaration under paragraph 1, this Protocol shall apply to all territorial units of that State.

4. Where a Contracting State extends this Protocol to one or more of its territorial units, declarations permitted under this Protocol may be made in respect of each such territorial unit, and the declarations made in respect of one territorial unit may be different from those made in respect of another territorial unit.

5. If by virtue of a declaration under paragraph 1, this Protocol extends to one or more territorial units of a Contracting State:

(a) the debtor is considered to be situated in a Contracting State only if it is incorporated or formed under a law in force in a territorial unit to which the Convention and this Protocol apply or if it has its registered office or statutory seat, centre of administration, place of business or habitual residence in a territorial unit to which the Convention and this Protocol apply;

(b) any reference to the location of the object in a Contracting State refers to the location of the object in a territorial unit to which the Convention and this Protocol apply; and

(c) any reference to the administrative authorities in that Contracting State shall be construed as referring to the administrative authorities having jurisdiction in a territorial unit to which the Convention and this Protocol apply and any reference to the national register or to the registry authority in that Contracting State shall be construed as referring to the aircraft register in force or to the registry authority having jurisdiction in the territorial unit or units to which the Convention and this Protocol apply.

**Article XXX****Declarations relating to certain provisions**

1. A Contracting State may, at the time of ratification, acceptance, approval of, or accession to this Protocol, declare that it will apply any one or more of Articles VIII, XII and XIII of this Protocol.

2. A Contracting State may, at the time of ratification, acceptance, approval of, or accession to this Protocol, declare that it will apply Article X of this Protocol, wholly or in part. If it so declares with respect to Article X(2), it shall specify the time-period required thereby.

3. A Contracting State may, at the time of ratification, acceptance, approval of, or accession to this Protocol, declare that it will apply the entirety of Alternative A, or the entirety of Alternative B of Article XI and, if so, shall specify the types of insolvency proceeding, if any, to which it will apply Alternative A and the types of insolvency proceeding, if any, to which it will apply Alternative B. A Contracting State making a declaration pursuant to this paragraph shall specify the time-period required by Article XI.

4. The courts of Contracting States shall apply Article XI in conformity with the declaration made by the Contracting State which is the primary insolvency jurisdiction.

5. A Contracting State may, at the time of ratification, acceptance, approval of, or accession to this Protocol, declare that it will not apply the provisions of Article XXI, wholly or in part. The declaration shall specify under which conditions the relevant Article will be applied, in case it will be applied partly, or otherwise which other forms of interim relief will be applied.

#### **Article XXXI**

##### **Declarations under the Convention**

Declarations made under the Convention, including those made under Articles 39, 40, 50, 53, 54, 55, 57, 58 and 60 of the Convention, shall be deemed to have also been made under this Protocol unless stated otherwise.

#### **Article XXXII**

##### **Reservations and declarations**

1. No reservations may be made to this Protocol but declarations authorised by Articles XXIV, XXIX, XXX, XXXI, XXXIII and XXXIV may be made in accordance with these provisions.

2. Any declaration or subsequent declaration or any withdrawal of a declaration made under this Protocol shall be notified in writing to the Depositary.

#### **Article XXXIII**

##### **Subsequent declarations**

1. A State Party may make a subsequent declaration, other than a declaration made in accordance with Article XXXI under Article 60 of the Convention, at any time after the date on which this Protocol has entered into force for it, by notifying the Depositary to that effect.

2. Any such subsequent declaration shall take effect on the first day of the month following the expiration of six months after the date of receipt of the notification by the Depositary. Where a longer period for that declaration to take effect is specified in the notification, it shall take effect upon the expiration of such longer period after receipt of the notification by the Depositary.

3. Notwithstanding the previous paragraphs, this Protocol shall continue to apply, as if no such subsequent declarations had been made, in respect of all rights and interests arising prior to the effective date of any such subsequent declaration.

#### **Article XXXIV**

##### **Withdrawal of declaration**

1. Any State Party having made a declaration under this Protocol, other than a declaration made in accordance with Article XXXI under Article 60 of the Convention, may withdraw it at any time by notifying the Depositary. Such withdrawal is to take effect on the first day of the month following the expiration of six months after the date of receipt of the notification by the Depositary.

2. Notwithstanding the previous paragraph, this Protocol shall continue to apply, as if no such withdrawal of declaration had been made, in respect of all rights and interests arising prior to the effective date of any such withdrawal.

#### **Article XXXV**

##### **Denunciations**

1. Any State Party may denounce this Protocol by notification in writing to the Depositary.

2. Any such denunciation shall take effect on the first day of the month following the expiration of twelve months after the date of receipt of the notification by the Depositary.

3. Notwithstanding the previous paragraphs, this Protocol shall continue to apply, as if no such denunciation had been made, in respect of all rights and interests arising prior to the effective date of any such denunciation.

### **Article XXXVI**

#### **Review Conferences, amendments and related matters**

1. The Depositary, in consultation with the Supervisory Authority, shall prepare reports yearly, or at such other time as the circumstances may require, for the States Parties as to the manner in which the international regime established in the Convention as amended by this Protocol has operated in practice. In preparing such reports, the Depositary shall take into account the reports of the Supervisory Authority concerning the functioning of the international registration system.

2. At the request of not less than twenty-five per cent. of the States Parties, Review Conferences of the States Parties shall be convened from time to time by the Depositary, in consultation with the Supervisory Authority, to consider:

(a) the practical operation of the Convention as amended by this Protocol and its effectiveness in facilitating the asset-based financing and leasing of the objects covered by its terms;

(b) the judicial interpretation given to, and the application made of the terms of this Protocol and the regulations;

(c) the functioning of the international registration system, the performance of the Registrar and its oversight by the Supervisory Authority, taking into account the reports of the Supervisory Authority; and

(d) whether any modifications to this Protocol or the arrangements relating to the International Registry are desirable.

3. Any amendment to this Protocol shall be approved by at least a two-thirds majority of States Parties participating in the Conference referred to in the preceding paragraph and shall then enter into force in respect of States which have ratified, accepted or approved such amendment when it has been ratified, accepted or approved by eight States in accordance with the provisions of Article XXVIII relating to its entry into force.

### **Article XXXVII**

#### **Depositary and its functions**

1. Instruments of ratification, acceptance, approval or accession shall be deposited with the International Institute for the Unification of Private Law (UNIDROIT), which is hereby designated the Depositary.

2. The Depositary shall:

(a) inform all Contracting States of:

(i) each new signature or deposit of an instrument of ratification, acceptance, approval or accession, together with the date thereof;

(ii) the date of entry into force of this Protocol;

(iii) each declaration made in accordance with this Protocol, together with the date thereof; and

(iv) the withdrawal or amendment of any declaration, together with the date thereof;

(v) the notification of any denunciation of this Protocol together with the date thereof and the date on which it takes effect;

(b) transmit certified true copies of this Protocol to all Contracting States;

(c) provide the Supervisory Authority and the Registrar with a copy of each instrument of ratification, acceptance, approval or accession, together with the date of deposit thereof, of each declaration or withdrawal or amendment of a declaration and of each notification of denunciation, together with the date of notification thereof, so that the information contained therein is easily and fully available; and

(d) perform such other functions customary for depositaries.

\_\_\_\_\_  
DR. RAJIV MANI,  
*Secretary to the Govt. of India.*

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CORRIGENDUM

In the Waqf (Amendment) Act, 2025 (14 of 2025), as published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 5th April, 2025, Issue No. 14, at page 9, line 36, *for* “substituted”, *read* “inserted”.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ  
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

(ಅಭೀಫಾ ಉಸ್ತಾನಿ)  
ಸಹಾಯಕ ಪ್ರಾರೋಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ  
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ  
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು  
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

**PR-23**

**ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ  
ಅಧಿಸೂಚನೆ**

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 14 ಕೇಶಾಪ್ರ 2025

ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 23.04.2025

ದಿನಾಂಕ: 15.04.2025 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II-  
Section-1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ THE BANKING LAWS (AMENDMENT) ACT, 2025 (NO. 16 OF  
2025) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-





# भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-15042025-262453  
CG-DL-E-15042025-262453

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 16] नई दिल्ली, मंगलवार, अप्रैल 15, 2025/चैत्र 25, 1947 (शक)

No. 16] NEW DELHI, TUESDAY, APRIL 15, 2025/CHAITRA 25, 1947 (Saka)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## MINISTRY OF LAW AND JUSTICE (Legislative Department)

*New Delhi, the 15th April, 2025/Chaitra 25, 1947 (Saka)*

The following Act of Parliament received the assent of the President on the 15th April, 2025 and is hereby published for general information:—

### THE BANKING LAWS (AMENDMENT) ACT, 2025

No. 16 OF 2025

[15th April, 2025.]

An Act further to amend the Reserve Bank of India Act, 1934, the Banking Regulation Act, 1949, the State Bank of India Act, 1955, the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 and the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980.

BE it enacted by Parliament in the Seventy-sixth Year of the Republic of India as follows:—

#### CHAPTER I

##### PRELIMINARY

1. (1) This Act may be called the Banking Laws (Amendment) Act, 2025.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Short title and  
commencement.

Provided that different dates may be appointed for different provisions of this Act, and any reference in any such provision to the commencement of this Act, shall be construed as a reference to the coming into force of that provision.

## CHAPTER II

### AMENDMENT TO THE RESERVE BANK OF INDIA ACT, 1934

Amendment of  
section 42.

2. In the Reserve Bank of India Act, 1934, in section 42,—

2 of 1934.

(a) in sub-section (1), in the *Explanation*, for clause (b), the following clause shall be substituted, namely:—

‘(b) “fortnight” means the period from the first day to the fifteenth day of each calendar month or sixteenth day to the last day of each calendar month, both days inclusive;’;

(b) in sub-section (2),—

(i) in the long line,—

(A) for the words “each alternate Friday”, the words “the last day of each fortnight” shall be substituted;

(B) for the words “seven days”, the words “five days” shall be substituted;

(ii) in the second proviso,—

(A) for the words “such alternate Friday”, the words “the last day of any such fortnight” shall be substituted;

(B) for the words “that Friday”, the words “the last day of that fortnight” shall be substituted;

(iii) the third proviso shall be omitted;

(c) sub-section (2A) shall be omitted.

## CHAPTER III

### AMENDMENTS TO THE BANKING REGULATION ACT, 1949

Amendment of  
section 5.

3. In the Banking Regulation Act, 1949 (hereafter in this Chapter referred to as the Banking Regulation Act of 1949), in section 5, in clause (ne), in sub-clause (i), for the words “five lakhs of rupees”, the words “two crore rupees or such other amount as may be notified in the Official Gazette by the Central Government” shall be substituted.

10 of 1949.

Amendment of  
section 10A.

4. In the Banking Regulation Act of 1949, in section 10A, in sub-section (2A), in clause (i), after the words “eight years”, the words “and ten years in case of a co-operative bank” shall be inserted.

Amendment of  
section 16.

5. In the Banking Regulation Act of 1949, in section 16, in sub-section (3), after the words “Reserve Bank”, the following shall be inserted, namely:—

“or the director of a central co-operative bank elected to the Board of the state co-operative bank in which he is a member”.

Amendment of  
section 18.

6. In the Banking Regulation Act of 1949, in section 18,—

(a) in sub-section (1),—

(i) for the words “last Friday”, the words “last day” shall be substituted;

(ii) for the words “alternate Fridays”, the words “the last day of the fortnight” shall be substituted;

(iii) for the words “such Fridays or if any such Friday”, the words “the last day of the fortnight or if the last day of any such fortnight” shall be substituted;

(b) in the *Explanation*, for clause (b), the following clause shall be substituted, namely:—

‘(b) “fortnight” shall mean the period from the first day to the fifteenth day of each calendar month or sixteenth day to the last day of each calendar month, both days inclusive;’.

7. In the Banking Regulation Act of 1949, in section 24,—

Amendment of  
section 24.

(a) in sub-section (2A), for the word “Friday”, the word “day” shall be substituted;

(b) in sub-section (3), for the words “each alternate Friday during the month, or if any such Friday”, the words “the last day of each fortnight during the month, or if the last day of any such fortnight” shall be substituted;

(c) in sub-section (4),—

(i) in clause (a), for the words “any alternate Friday or, if such Friday”, the words “the last day of any fortnight or, if the last day of any such fortnight” shall be substituted;

(ii) for clause (b), the following clause shall be substituted, namely:—

“(b) if the default occurs again on the last day of the next succeeding fortnight, or, if the last day of such fortnight is a public holiday, on the preceding working day, and continues on the last day of the succeeding fortnights or preceding working days, as the case may be, the rate of penal interest shall be increased to a rate of five per cent. per annum above the bank rate on each such shortfall in respect of last day of that fortnight and last day of each succeeding fortnight or preceding working day, if last day of such fortnight is a public holiday, on which the default continues.”;

(d) in sub-section (7),—

(i) for the words “next succeeding alternate Friday, or if such Friday is a public holiday”, the words “last day of the next succeeding fortnight, or if the last day of such fortnight is a public holiday” shall be substituted;

(ii) for the words “subsequent alternate Friday”, the words “last day of every subsequent fortnight” shall be substituted.

8. In the Banking Regulation Act of 1949, in section 25,—

Amendment of  
section 25.

(a) in sub-section (1), for the words “last Friday of every quarter or, if that Friday”, the words “last day of every quarter or, if that day” shall be substituted;

(b) in sub-section (2), for the words “last Friday of the previous quarter, or, if that Friday”, the words “last day of the previous quarter, or, if that day” shall be substituted.

9. In the Banking Regulation Act of 1949, in section 27, in sub-section (1), for the words “last Friday of every month or if that Friday”, the words “last day of every month, or, if that day” shall be substituted.

Amendment of  
section 27.

10. In the Banking Regulation Act of 1949, in section 45ZA,—

Amendment of  
section 45ZA.

(a) in sub-section (1), for the words “one person”, the words “one or more persons not exceeding four, either successively or simultaneously” shall be substituted;

(b) after sub-section (I), the following sub-sections shall be inserted, namely:—

“(IA) Where the nomination is made successively in favour of more than one person under sub-section (I), the nomination shall be effective only in favour of one person in the order of priority specified in section 45ZG.

(IB) Where the nomination is made simultaneously in favour of more than one person under sub-section (I), the nomination shall be effective in favour of all such persons in proportion to which it is declared, and the following terms and conditions shall apply, namely:—

(a) the nomination shall not be made in favour of more than four persons;

(b) the nomination shall explicitly state the proportion of amount of deposit in percentage in favour of each nominee;

(c) the nomination shall be made in respect of the whole amount of deposit;

(d) if any nominee dies before receiving deposit from the banking company, the nomination in respect of such nominee alone shall become ineffective and the amount of deposit purported to be nominated in favour of deceased nominee shall be treated as if nomination had not been made in respect of that portion of deposit,

and any nomination which does not comply with any of the terms and conditions specified in clauses (a) to (c), shall be invalid, as if nomination had not been made by the depositor or all the depositors together, as the case may be.”.

Amendment of section 45ZC.

11. In the Banking Regulation Act of 1949, in section 45ZC, in sub-section (I), for the words “one person”, the words “one or more persons not exceeding four, successively,” shall be substituted.

Amendment of section 45ZE.

12. In the Banking Regulation Act of 1949, in section 45ZE, for sub-section (I), the following sub-section shall be substituted, namely:—

“(I) Where one or more individuals hire a locker from a banking company, whether such locker is located in the safe deposit vault of such banking company or elsewhere, the individual or, as the case may be, all the individuals together, may nominate one or more persons not exceeding four, successively, to whom, in the event of the death of the sole hirer or the death of all the hirers, the banking company may give access to the locker and liberty to remove the contents of the locker.”.

Insertion of new section 45ZG.

13. In the Banking Regulation Act of 1949, after section 45ZF, the following section shall be inserted, namely:—

Priority of successive nominations.

“45ZG. (I) Where the nomination is made in favour of more than one person successively under sub-section (I) of section 45ZA or sub-section (I) of section 45ZC or sub-section (I) of section 45ZE, the nomination shall be effective only in favour of one person in the following order of priority, namely:—

(a) nomination of the first nominee shall be effective if that nominee survives the person or persons who made the nomination;

(b) nomination of the second nominee shall become effective only after the death of the first nominee;

(c) nomination of any nominee lower in the order of nomination shall become effective only after the death of all the nominees whose names are higher in the order of nomination.

(2) Where the order of nomination is not mentioned, persons shall be deemed to have been nominated in the order in which their names appear in the nomination.

(3) The provisions of this section shall not apply to the nominations made simultaneously in favour of more than one person under sub-section (1) of section 45ZA.”.

14. In the Banking Regulation Act of 1949, in section 56,—

Amendment of  
section 56.

(a) in clause (c), for sub-clause (ii), the following sub-clause shall be substituted, namely:—

“(ii) clause (nb) shall be omitted;”;

(b) in clause (j) relating to substitution of section 18, in sub-section (1),—

(i) for the words “last Friday”, the words “last day” shall be substituted;

(ii) for the words “alternate Friday”, the words “the last day of the fortnight” shall be substituted;

(iii) for the words “such Fridays or if any such Friday”, the words “the last day of the fortnight or if the last day of any such fortnight” shall be substituted;

(iv) in the *Explanation*, for clause (b), the following clause shall be substituted, namely:—

‘(b) “fortnight” shall mean the period from the first day to the fifteenth day of each calendar month or sixteenth day to the last day of each calendar month, both days inclusive;’.

#### CHAPTER IV

##### AMENDMENTS TO THE STATE BANK OF INDIA ACT, 1955

23 of 1955.

15. In the State Bank of India Act, 1955, in section 38A,—

Amendment of  
section 38A.

(a) in the marginal heading, for the word “dividend”, the word “money” shall be substituted;

(b) for sub-section (3), the following sub-sections shall be substituted, namely:—

18 of 2013.

“(3) The State Bank shall transfer, in accordance with the rules made under section 124 of the Companies Act, 2013, to the Investor Education and Protection Fund established under section 125 of the said Act,—

(i) any money which remains unpaid or unclaimed for a period of seven years from the date of its transfer in the Unpaid Dividend Account of the State Bank;

(ii) all shares in respect of which dividend has not been paid or claimed for a period of seven consecutive years, along with a statement thereof containing the details specified in the said rules;

(iii) any interest or redemption amount upon any bond issued by the State Bank which remain unpaid or unclaimed for a period of seven years from the date such interest or such redemption amount became due for payment.

	(4) Any person whose shares or unclaimed or unpaid money has been transferred to the Investor Education and Protection Fund under sub-section (3), shall be entitled to claim the transfer or refund from the said Fund, in accordance with the rules made under section 124 and section 125 of the Companies Act, 2013.	18 of 2013.
	(5) The money transferred under sub-section (3) to the Investor Education and Protection Fund shall be utilised for the purposes and in the manner specified in section 125 of the Companies Act, 2013.”.	18 of 2013.
Amendment of section 41.	<b>16.</b> In the State Bank of India Act, 1955, in section 41,—	23 of 1955.
	(a) in sub-section (1), for the words and figures “section 226 of the Companies Act, 1956”, the words and figures “section 141 of the Companies Act, 2013” shall be substituted;	1 of 1956. 18 of 2013.
	(b) for sub-section (2), the following sub-section shall be substituted, namely:—	
	“(2) The auditors shall receive such remuneration as the State Bank may fix.”.	
<b>CHAPTER V</b>		
AMENDMENTS TO THE BANKING COMPANIES (ACQUISITION AND TRANSFER OF UNDERTAKINGS) ACT, 1970		
Amendment of section 10.	<b>17.</b> In the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (hereafter in this Chapter referred to as the Act of 1970), in section 10, in sub-section (2),—	5 of 1970.
	(a) for the words and figures “section 226 of the Companies Act, 1956”, the words and figures “section 141 of the Companies Act, 2013” shall be substituted;	1 of 1956. 18 of 2013.
	(b) for the words “Reserve Bank may fix in consultation with the Central Government”, the words “corresponding new bank may fix” shall be substituted.	
Amendment of section 10B.	<b>18.</b> In the Act of 1970, in section 10B,—	
	(a) in the marginal heading, for the words “dividend to Unpaid Dividend Account”, the word “money” shall be substituted;	
	(b) for sub-section (3), the following sub-sections shall be substituted, namely:—	
	“(3) The corresponding new bank shall transfer, in accordance with the rules made under section 124 of the Companies Act, 2013, to the Investor Education and Protection Fund established under section 125 of the said Act,—	18 of 2013.
	(i) any money which remains unpaid or unclaimed for a period of seven years from the date of its transfer in the Unpaid Dividend Account of the corresponding new bank;	
	(ii) all shares in respect of which dividend has not been paid or claimed for a period of seven consecutive years, along with a statement thereof containing the details specified in the said rules;	
	(iii) any interest or redemption amount upon any bond issued by the corresponding new bank which remain unpaid or unclaimed for a period of seven years from the date such interest or such redemption amount became due for payment.	
	(3A) Any person whose shares or unclaimed or unpaid money has been transferred to the Investor Education and Protection Fund under sub-section (3), shall be entitled to claim the transfer or refund from the said Fund, in accordance with the rules made under section 124 and section 125 of the Companies Act, 2013.”;	18 of 2013.
	(c) in sub-section (4), for the words, figures and letter “section 205C of the Companies Act, 1956”, the words and figures “section 125 of the Companies Act, 2013” shall be substituted.	1 of 1956. 18 of 2013.

## CHAPTER VI

## AMENDMENTS TO THE BANKING COMPANIES

## (ACQUISITION AND TRANSFER OF UNDERTAKINGS) ACT, 1980

40 of 1980.	<b>19. In the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980</b> (hereafter in this Chapter referred to as the Act of 1980), in section 10, in sub-section (2),—	Amendment of section 10.
1 of 1956. 18 of 2013.	(a) for the words and figures “section 226 of the Companies Act, 1956”, the words and figures “section 141 of the Companies Act, 2013” shall be substituted; (b) for the words “Reserve Bank may fix in consultation with the Central Government”, the words “corresponding new bank may fix” shall be substituted.	
	<b>20. In the Act of 1980, in section 10B,—</b>	Amendment of section 10B.
	(a) in the marginal heading, for the words “dividend to Unpaid Dividend Account”, the word “money” shall be substituted; (b) for sub-section (3), the following sub-sections shall be substituted, namely:—	
18 of 2013.	“(3) The corresponding new bank shall transfer, in accordance with the rules made under section 124 of the Companies Act, 2013, to the Investor Education and Protection Fund established under section 125 of the said Act,—	
	(i) any money which remains unpaid or unclaimed for a period of seven years from the date of its transfer in the Unpaid Dividend Account of the corresponding new bank;	
	(ii) all shares in respect of which dividend has not been paid or claimed for a period of seven consecutive years, along with a statement thereof containing the details specified in the said rules;	
	(iii) any interest or redemption amount upon any bond issued by the corresponding new bank which remain unpaid or unclaimed for a period of seven years from the date such interest or such redemption amount became due for payment.	
18 of 2013.	(3A) Any person whose shares or unclaimed or unpaid money has been transferred to the Investor Education and Protection Fund under sub-section (3), shall be entitled to claim the transfer or refund from the said Fund, in accordance with the rules made under section 124 and section 125 of the Companies Act, 2013.”;	
1 of 1956. 18 of 2013.	(c) in sub-section (4), for the words, figures and letter “section 205C of the Companies Act, 1956”, the words and figures “section 125 of the Companies Act, 2013” shall be substituted.	

—————  
DR. RAJIV MANI,  
*Secretary to the Govt. of India.*

## CORRIGENDUM

In the “Tribhuvan” Sahkari University Act, 2025 (11 of 2025), as published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 3rd April, 2025, Issue No. 11, at page 2, line 6, for “imoprtance”, read “importance”.



ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ  
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

(ಅಭೀಫಾ ಉಸ್ತಾನಿ)  
ಸಹಾಯಕ ಪ್ರಾರೋಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ  
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ  
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು  
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

**PR-24**

**ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ  
ಅಧಿಸೂಚನೆ**

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 08 ಕೇಶಾಪು 2025

ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 08.04.2025

ದಿನಾಂಕ: 03.04.2025 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II-  
Section-1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ THE "TRIBHUVAN" SAHKARI UNIVERSITY ACT, 2025 (NO. 11 OF  
2025) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-



# भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-03042025-262248  
CG-DL-E-03042025-262248

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 11] नई दिल्ली, बृहस्पतिवार, अप्रैल 3, 2025/चैत्र 13, 1947 (शक)

No. 11] NEW DELHI, THURSDAY, APRIL 3, 2025/CHAITRA 13, 1947 (Saka)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## MINISTRY OF LAW AND JUSTICE

(Legislative Department)

*New Delhi, the 3rd April, 2025/Chaitra 13, 1947 (Saka)*

The following Act of Parliament received the assent of the President on the 3rd April, 2025 and is hereby published for general information:—

### THE “TRIBHUVAN” SAHKARI UNIVERSITY ACT, 2025

No. 11 OF 2025

[3rd April, 2025.]

An Act to establish the Institute of Rural Management Anand, as a University to be known as the “Tribhuvan” Sahkari University and to declare the same as an institution of national importance; to impart technical and management education and training in co-operative sector; to promote co-operative research and development and to attain standards of global excellence therein in order to realise the vision of “Sahkar Se Samriddhi” and to strengthen the co-operative movement in the country through a network of institutions, and also to declare the Institute as one of the Schools of the University and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-sixth Year of the Republic of India as follows:—

#### CHAPTER I

##### PRELIMINARY

1. (1) This Act may be called the “Tribhuvan” Sahkari University Act, 2025.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Short title and  
commencement.

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

2. Whereas the objects of the “Tribhuvan” Sahkari University are such as to make it an institution of national importance, it is hereby declared that the “Tribhuvan” Sahkari University is an institution of national importance.

3. (1) In this Act, unless the context otherwise requires,—

(a) “Academic and Research Council” means the Academic and Research Council of the University;

(b) “academic staff” means such categories of staff designated as academic staff by the Ordinances;

(c) “appointed day” means the date of establishment of the University under sub-section (1) of section 4;

(d) “Assessment and Improvement Council” means the Assessment and Improvement Council of the University;

(e) “Board for Affiliation and Recognition” means the Board for Affiliation and Recognition of the University;

(f) “Board of Co-operative Studies” means the Board of Co-operative Studies of a School of the University;

(g) “Capacity Building Council” means the Capacity Building Council of the University;

(h) “Chancellor” means the Chancellor of the University;

(i) “co-operative principles” means the co-operative principles provided in the First Schedule of the Multi-State Co-operative Societies Act, 2002;

39 of 2002.

(j) “co-operative societies” means all co-operative societies registered under Co-operative Societies Acts of the respective States, Union territories with Legislature and without Legislature and the Multi-State Co-operative Societies Act, 2002;

39 of 2002.

(k) “Dean” means the Head of a School or Head of an administrative Department of the University;

(l) “Director” means the Director of the Institute of Rural Management Anand School;

(m) “employee” means any person appointed by the University and includes the teachers and other staff of the University;

(n) “Executive Board” means the Executive Board of the Institute of Rural Management Anand School;

(o) “Executive Council” means the Executive Council of the University;

(p) “Finance Committee” means the Finance Committee of the University;

(q) “Fund” means the University Fund referred to in section 40;

(r) “Governing Board” means the Governing Board of the University;

(s) “hostel” means a unit of residence for the students of the University or School, as the case may be;

(t) “Institute” means an academic institution including a college admitted to or affiliated to the privileges of the University and the expression “Institution” shall be construed accordingly;

Declaration of  
“Tribhuvan”  
Sahkari University  
as institution of  
national  
importance.  
Definitions.

21 of 1860.

(u) “Institute of Rural Management Anand” means the Institute of Rural Management Anand established and incorporated under the Societies Registration Act, 1860 and located in Anand, Gujarat;

(v) “Institute of Rural Management Anand School” means one of the Schools of the University;

(w) “notification” means a notification published in the Official Gazette and the expression “notified” with its cognate meanings and grammatical variations shall be construed accordingly;

(x) “outlying campus” means the campus of the University as may be established by it at any place in or outside India;

(y) “Registrar” means the Registrar of the University;

(z) “Research and Development Council” means the Research and Development Council of the University;

(za) “Schedule” means the Schedules appended to this Act;

(zb) “School” means a School established by the University in each sector where degree, diploma and certificate are awarded by the University;

(zc) “Statutes”, “Ordinances” and “Regulations” mean respectively, the Statutes, the Ordinances and the Regulations of the University made under this Act;

(zd) “Teachers of the University” means the Professors, Associate Professors, Assistant Professors and such other persons as may be appointed for imparting instructions, training or conducting research in the University or in any outlying campus maintained by the University;

(ze) “‘Tribhuvan’ Sahkari University” means the “Tribhuvan” Sahkari University established and incorporated as a University under this Act;

(zf) “University” means the “Tribhuvan” Sahkari University established and incorporated as a University under this Act;

(zg) “Vice-Chancellor” means the Vice-Chancellor of the University.

39 of 2002.

(2) The words and expressions used herein and not defined, but defined in the Multi-State Co-operative Societies Act, 2002 shall have the respectively meanings assigned to them in that Act.

## CHAPTER II

### “TRIBHUVAN” SAHKARI UNIVERSITY

4. (1) With effect from such date as the Central Government may, by notification, appoint, the Institute of Rural Management Anand shall be established as a University to be known as the “Tribhuvan” Sahkari University, which shall be a body corporate, having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold property, both movable and immovable, and to contract and shall, by the said name sue or be sued.

Establishment  
and incorporation  
of “Tribhuvan”  
Sahkari  
University.

(2) The headquarters of the University shall be at Anand in the State of Gujarat and the University may establish Schools or outlying campuses or affiliate institutes at such other places in India as it may deem fit:

Provided that the University may, with the prior approval of the Central Government, also establish or maintain outlying campuses or affiliate institutes outside India.

(3) The Chancellor, the Vice-Chancellor, the members of the Governing Board, the Executive Council, the Academic and Research Council, the Capacity Building Council, the Assessment and Improvement Council, the Research and Development Council and other authorities shall constitute the University.

Effect of  
establishment of  
University.

5. (1) On and from the date of commencement of this Act,—

(a) the Institute of Rural Management Anand registered as a society under the Societies Registration Act, 1860 stands dissolved;

21 of 1860.

(b) any reference to the Institute of Rural Management Anand in any contract or other instrument shall be deemed as a reference to the University;

(c) all property or assets, movable and immovable, of or belonging to the Institute of Rural Management Anand shall vest in the University;

(d) all rights and liabilities of the Institute of Rural Management Anand shall be transferred to, and be the rights and liabilities of the University;

(e) the identity and autonomy of the Institute of Rural Management Anand School and its rights and privileges shall be continued:

Provided that the Institute of Rural Management Anand School so declared under this Act shall have an Executive Board which shall be responsible for ensuring identity and autonomy of the School as granted under this section:

Provided further that the Institute of Rural Management Anand School shall have a Director who shall be responsible to implement the decisions of the Executive Board besides other regular responsibilities of the University.

(2) The Institute of Rural Management Anand School shall be declared as the “Centre of Excellence” for Rural Management.

*Explanation.*—For the purposes of this sub-section, the expression “Centre of Excellence” means the Institute of Rural Management Anand School to have greater autonomy within the overall institutional framework of the University to achieve excellence in its domain and also responsible for developing and spreading best practices in imparting education, training and conducting research within the University.

(3) Subject to the provisions of this Act, every person employed in the Institute of Rural Management Anand immediately before the commencement of this Act shall hold such employment in the University by the same tenure and on the same terms and conditions and with the same rights and privileges as to pension and gratuity as he would have held under the Institute of Rural Management Anand, if this Act had not been enacted and such terms and conditions, rights and privileges shall not be varied to his disadvantage:

Provided that the University shall be at liberty to place the services of the persons permanently employed in the Institute of Rural Management Anand immediately before the commencement of this Act to any area, field, department and the like and at any place or location across India as deemed fit by the University to further its objects.

(4) The identity and autonomy of any ongoing academic programme and course of the Institute of Rural Management Anand School shall be preserved by the University and any modification, if needed, shall be with the concurrence of the Executive Board of such School.

(5) The Institute of Rural Management Anand School shall have administrative and academic autonomy as may be provided by the Statutes.

(6) The post-retirement benefits including medical benefits, if any, of every academic staff, teacher and every other employee in the Institute of Rural Management Anand who has superannuated before the commencement of this Act shall be borne by the University in a manner and form as deemed fit and not to the disadvantage of the superannuated employees.

(7) Any ongoing disciplinary proceedings against any permanent employees in the Institute of Rural Management Anand at the time of the commencement of this Act shall continue to be governed by the Institute of Rural Management Anand Society Rules, 2004.

(8) Any matter governing the conditions of service relating to the teacher, academic staff and every other employee for which no provision has been made in this Act, shall be determined by the provisions to be made by the Executive Council.

6. The objects of the University shall be—

Objects of  
University.

(i) to provide qualified and trained manpower to meet the present and future needs of the co-operative sector by establishing its own Schools or through affiliating institutes;

(ii) to provide training, education and capacity building to the employees and board members of co-operative societies at all levels;

(iii) to act as an apex body to integrate, coordinate, and standardise the academic and research activities of affiliated co-operative institutes and training centres;

(iv) to standardise the course design and content, pedagogy, course delivery in co-operative education and training in accordance with the national and international best practices and the guiding principles specified in the First Schedule to this Act;

(v) to develop centres of excellence in co-operative education, training, research and consultancy;

(vi) to evolve as an institution of national and international repute for advanced studies in the field of co-operative education and training, and any other areas connected with co-operative societies;

(vii) to disseminate and advance knowledge by providing institutional and research facilities in the field of co-operative education and training, and to take appropriate measures for promoting innovations in teaching-learning process and inter-disciplinary studies and research;

(viii) to establish Schools and affiliate institutes for imparting the state-of-the-art education and training in the field of co-operation for all sectors;

(ix) to provide distance learning or mass e-learning platform and courses for serving the education and training needs of the co-operative societies;

(x) to undertake and promote research and development in all sectors relating to co-operatives;

(xi) to promote innovation, entrepreneurship and start-ups in the co-operative sector;

(xii) to establish and promote partnership and linkages with co-operative societies or unions or federations at all levels, industry, Institutions, Governments, International Co-operative Alliance and co-operative educational institutions in India and abroad for furtherance of its objects;

(xiii) to discharge any other objects which the University deems fit to undertake for the furtherance of its objects; and

Powers and  
functions of  
University.

(xiv) to discharge such other objects, not inconsistent with the provisions of this Act and the Statutes made thereunder, which the Central Government may, by notification, specify in this behalf.

7. (I) Subject to the provisions of this Act and the Statutes and Ordinances made thereunder, the University shall exercise and perform the following powers and functions, namely:—

(i) to plan, design, develop the required courses of study and conduct appropriate academic and training programmes in the field of co-operation;

(ii) to grant, subject to such conditions as the University may determine, diplomas or certificates to, and confer degrees or other academic distinctions on, persons, on the basis of examinations, evaluation or any other method of testing, and to withdraw any such certificates, diplomas, degrees or other academic distinctions for good and sufficient cause;

(iii) to provide lectures and instructions for persons not enrolled as regular students of the University and to grant certificates to them;

(iv) to establish and maintain such outlying campuses, entrepreneurial incubation centres for new co-operative ventures, targeted skill development centres or other units for research, instruction, and training as are, in the opinion of the University, necessary for the furtherance of its objects;

(v) to establish and maintain Schools and hostels subject to assessment of demand;

(vi) to provide nomenclature to the Institute of Rural Management Anand School by Statutes made under this Act;

(vii) to confer honorary degrees or other distinctions;

(viii) to institute Professorships, Associate Professorships, Assistant Professorships and other teaching or academic positions, required by the University and to appoint persons to such Professorships, Associate Professorships, Assistant Professorships or other teaching or academic positions;

(ix) to appoint persons working in any University or academic institution, including those located outside the country, as teachers of the University;

(x) to create administrative, ministerial and other posts and to make appointments thereto subject to availability of financial resources;

(xi) to co-operate or collaborate or associate with any other University or authority or institution of higher learning, including those located outside the country, in such manner and for such purposes as the University, may determine;

(xii) to provide facilities through the distance education system;

(xiii) to institute and award fellowships, scholarships, studentships, medals and prizes for raising academic standards and research;

(xiv) to organise and undertake extramural studies, training and extension services;

(xv) to make provision for research and advisory services and for that purpose, to enter into such arrangements with other institutions, co-operative societies, industrial or other organisations, as the University may deem necessary;



(xvi) to organise and conduct refresher courses, workshops, seminars, conferences, training of trainers, and other programmes for teachers, evaluators, other academic staff and students;

(xvii) to appoint on contract or otherwise visiting Professors, Emeritus Professors, Consultants and such other persons who may contribute to the advancement of the objects of the University;

(xviii) to determine standards of admission to the University, which may include examination, evaluation or any other method of testing;

(xix) to demand and receive payment of fees and other charges;

(xx) to demand and receive payment for undertaking projects and consultancy services;

(xxi) to lay down conditions of service of all categories of employees, including their code of conduct;

(xxii) to supervise, control, regulate and enforce discipline among the students and the employees, and to take such disciplinary measures in this regard as may be deemed fit by the University to be necessary;

(xxiii) to make arrangements for promoting the health and general welfare of the employees and students;

(xxiv) to receive benefactions, donations and gifts and to acquire, hold and manage movable or immovable, including trust and endowment properties, for the purposes of the University;

(xxv) to dispose of any immovable property, with the previous approval of the Central Government;

(xxvi) to borrow, with the previous approval of the Central Government, on the security of the property of the University, money for the purposes of the University;

(xxvii) to conduct innovative experiments and promote new methods and technologies in the fields of co-operative management and other related fields;

(xxviii) to purchase or to take on lease any land or building or works which may be necessary or convenient for the purposes of the University, on such terms and conditions as it may deem fit and proper and to construct, alter and maintain any such building or work;

(xxix) to start any new degree, allied course or research programme or diploma or certification or training programme and discontinue any courses or research programme or training programme without prejudice to the interest of the students;

(xxx) to invest the funds of the University in or upon such securities and transpose any investment from time to time in such manner as it may deem fit in the interest of the University and as provided by the Statutes;

(xxxi) to act as an advisory body to the Government of India and other National Institutions, State Governments and National Co-operative Societies on all matters related to co-operative societies;

(xxxii) to grant affiliation to Institutes or to a particular course or programme being conducted by any Institute in or outside India;

(xxxiii) to develop and certify teachers or practitioners as co-operative trainers and resource persons;

(xxxiv) to provide for the preparation of instructional and training materials, including films, audio-visual materials, other software and the like;

(xxxv) to recognise persons for imparting instructions in any Institute admitted or affiliated to the privileges of the University; and

(xxxvi) to do all such other acts and things as may be necessary, incidental or conducive to the attainment of all or any of its objects.

(2) The University shall in the exercise of its powers have jurisdiction over the outlying campuses.

(3) In exercising its powers referred to in sub-section (1), it shall be the endeavour of the University to maintain an all-India character and high standards of teaching, training and research, and the University may, among other measures which may be necessary for the said purpose, take, in particular, the following measures, namely:—

(i) admissions of students and recruitment of teachers shall be made on all-India basis through appropriate procedures approved by the Executive Council;

(ii) conduct self-financing, demand based, customised courses for the co-operatives;

(iii) foreign students to be admitted by the University to various courses and programmes, as per the policy and schemes of the Government of India and the procedure approved by the Executive Council;

(iv) inter-University mobility of teachers with portable pension scheme benefits, if any, and protection of seniority shall be encouraged.

*Explanation.*—For the purposes of this clause, the expression “portable pension scheme” means a scheme to continue or carry forward the pension scheme already subscribed by the incoming teacher;

(v) semester system, continuous evaluation and choice-based credit system may be introduced and the University may enter into agreement with other Universities and academic institutions for credit transfer and joint degree programmes.

*Explanation.*—For the purposes of this clause, the expression “choice-based credit system” means a criterion based grading system to assess student’s achievement based on the learning goals for each programme, with continuous and comprehensive evaluation instead of high stake examinations;

(vi) innovative courses and programmes of studies shall be introduced with a provision for periodic review and restructuring;

(vii) active participation of students shall be ensured in all academic activities of the University, including evaluation of teachers;

(viii) accreditation may be obtained from the National Assessment and Accreditation Council or any other accrediting agency of repute as may be determined by the University; and

(ix) e-governance shall be introduced in every possible sphere of activity with an effective management information system.

8. The University shall be open to persons of any sex and of whatever caste, creed, race or class, and it shall not be lawful for the University to adopt or impose on any person, any test whatsoever of religious belief or profession in order to entitle such person to be appointed as a teacher of the University or to hold any other office therein or to be admitted as a student in the University or to graduate there at or to enjoy or exercise any privilege thereof:

University to be open to all caste, creed, race or class.

Provided that the University shall follow the policy of the Central Government regarding reservations in admissions and employment.

9. (1) The Central Government may, from time to time, appoint one or more persons to review or inspect the work and progress of the University and outlying campuses including its buildings, libraries, laboratories and equipments, and other infrastructure maintained by it and also of the examinations, teaching and other work conducted or done by the University, and to submit a report thereon and upon receipt of that report, the Central Government may, take such action and issue such directions, as it considers necessary, in respect of any of the matters dealt with in the report and the University shall abide by such action and be bound to comply with such directions.

Power of Central Government to review and issue directions.

(2) Without prejudice to the foregoing provisions of this section, the Central Government may, by an order in writing, annul any proceeding of the University which is not in conformity with the provisions of this Act or the Statutes or the Ordinances made thereunder.

(3) Without prejudice to the provisions of this Act and the Statutes made thereunder, the University, in discharge of its general powers and functions under this Act, shall be bound by such directions as the Central Government may give in writing to it from time to time.

(4) The Central Government shall have such other powers, in respect of the affairs of the University, as may be provided by the Statutes.

10. (1) The Central Government may, by notification, appoint a person of eminence as the Chancellor of the University.

Chancellor.

(2) The Chancellor shall hold office for a term of five years or until he attains the age of seventy years, whichever is earlier:

Provided that notwithstanding the expiry of his term of office, the Chancellor shall continue to hold office until his successor enters upon his office.

(3) The terms and other conditions of service of Chancellor shall be such as may be provided by the Statutes.

(4) The Chancellor shall, by virtue of his office, be the Head of the University and shall, if present, preside at the Convocations of the University held for conferring degrees and other ceremonial functions and also the meetings of the Governing Board.

(5) The Chancellor shall exercise such other powers and perform such other duties as may be assigned to him under this Act and the Statutes made thereunder.

### CHAPTER III

#### OFFICERS OF UNIVERSITY AND INSTITUTE OF RURAL MANAGEMENT ANAND SCHOOL

11. The following shall be the officers of the University and the Institute of Rural Management Anand School, namely:—

Officers of University and Institute of Rural Management Anand School.

(a) the Vice-Chancellor;

(b) the Director and *ex officio* Dean of the Institute of Rural Management Anand School;

(c) the Dean;

(d) the Registrar;

(e) the Finance Officer;

(f) the Controller of Examinations;

(g) the Librarian; and

(h) such other officers as may be provided by the Ordinances to be the officers of the University and the Institute of Rural Management Anand School.

Vice-Chancellor.

12. (1) The Vice-Chancellor shall be a person having such eligibility criteria and shall be appointed by the Central Government in such manner and subject to such terms and conditions of service as may be provided by the Statutes:

Provided that the first Vice-Chancellor shall be appointed by the Central Government in such manner and subject to such terms and conditions as may be determined by it and he shall hold office for a term of three years and may be eligible for re-appointment for another term of two years.

(2) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall exercise general supervision and control over other officers of the University.

(3) The Vice-Chancellor may, if he is of the opinion that immediate action is necessary on any matter, exercise any power conferred on any authority, except the Governing Board of the University by or under this Act and shall inform such authority at its next meeting the action taken by him on such matter.

(4) Where the Vice-Chancellor is of the opinion that any decision taken by any officer or authority, other than Chancellor or the Governing Board of the University is beyond the powers of such officer or authority conferred under the provisions of this Act or the Statutes or the Ordinances made thereunder or that any decision taken by the officer or authority is not as per the objects of the University, he shall have powers to rescind such decisions and issue appropriate directions and all such matters shall be placed before the Governing Board for information.

(5) The Vice-Chancellor shall exercise such other powers and perform such other duties as may be provided by the Statutes.

Registrar.

13. (1) The Registrar shall be appointed by the Central Government in such manner, and on such terms and conditions, as may be provided by the Statutes:

Provided that the first Registrar shall be appointed by the Central Government in such manner and on such terms and conditions as may be determined by it and the said officer shall hold office for a term of three years, and may be eligible for re-appointment for another term of two years.

(2) The Registrar shall have the power to enter into agreements, sign documents and authenticate records on behalf of the University, and shall exercise such other powers and perform such other duties, as may be provided by the Statutes.

Finance Officer.

14. The Finance Officer shall be appointed by the Central Government in such manner, and on such terms and conditions and shall exercise such powers and perform such duties, as may be provided by the Statutes:

Provided that the first Finance Officer shall be appointed by the Central Government in such manner and on such terms and conditions as may be determined by it and the said officer shall hold office for a term of three years, and may be eligible for re-appointment for another term of two years.

Director of  
Institute of Rural  
Management  
Anand School.

15. (1) There shall be a Director and *ex officio* Dean of the Institute of Rural Management Anand School who shall be the principal academic and administrative officer for that School, and shall exercise supervision and control over all employees of that School.

(2) The Director shall be appointed in such manner, and on such terms and conditions and shall exercise such powers and perform such duties, as may be provided by the Ordinances.

Dean.

16. (1) Each School of the University shall be headed by a Dean who shall be the principal academic and administrative officer for that School, and shall exercise supervision and control over all employees of that School.

(2) The Dean shall be appointed by the Executive Council in such manner, and on such terms and conditions, and shall exercise such powers and perform such duties, as may be provided by the Ordinances.

17. The Controller of Examinations shall be appointed in such manner, and on such terms and conditions, and shall exercise such powers and perform such duties, as may be provided by the Ordinances.

Controller of Examinations.

18. The Librarian shall be appointed in such manner, and on such terms and conditions, and shall exercise such powers and perform such duties, as may be provided by the Ordinances.

Librarian.

19. (1) In addition to the officers referred to in clauses (a) to (g) of section 11, the University shall consist of such other officers as may be provided by the Ordinances.

Other officers.

(2) The manner of appointment, terms and conditions of service and powers and duties of other officers of the University shall be such as may be provided by the Ordinances.

#### CHAPTER IV

##### AUTHORITIES OF UNIVERSITY AND INSTITUTE OF RURAL MANAGEMENT ANAND SCHOOL

20. The following shall be the authorities of the University and Institute of Rural Management Anand School, namely:—

Authorities of University and Institute of Rural Management Anand School.

- (a) the Governing Board;
- (b) the Executive Council;
- (c) the Academic and Research Council;
- (d) the Executive Board;
- (e) the Capacity Building Council;
- (f) the Assessment and Improvement Council;
- (g) the Research and Development Council;
- (h) the Board for Affiliation and Recognition;
- (i) the Finance Committee;
- (j) the Board of Co-operative Studies; and

(k) such other authorities as may be provided by the Ordinances to be the authorities of the University and Institute of Rural Management Anand School.

21. (1) The Chancellor shall be the Chairperson of the Governing Board.

Governing Board.

(2) In addition to the Chairperson, the Governing Board shall consist of the following members who shall be nominated by the Central Government, namely:—

- (a) Vice-Chancellor—Member, *ex officio*;
- (b) Secretary, Ministry of Cooperation—Member, *ex officio*;
- (c) Four Secretaries of Central Ministries or Departments dealing with important sectors of co-operative—Members, *ex officio*;
- (d) Four Principal Secretaries or Secretaries of Co-operation Department of States or Union territories, by rotation—Members, *ex officio*;
- (e) Managing Director, National Co-operative Development Corporation—Member, *ex officio*;
- (f) Chairperson, National Dairy Development Board—Member, *ex officio*;

(g) Chief Executive, National Fisheries Development Board—Member, *ex officio*;

(h) Chairperson, National Bank for Agriculture and Rural Development—Member, *ex officio*;

(i) Four Chairpersons of National Co-operative Societies, by rotation—Members, *ex officio*;

(j) Chairperson, Institute of Rural Management Anand School—Member, *ex officio*;

(k) Four Deans of Schools and Departments established by the University, by rotation—Members, *ex officio*;

(l) Two Directors of Institutes affiliated to the University, by rotation—Members, *ex officio*;

(m) Four Professors who are members of the Academic and Research Council, Capacity Building Council, Assessment and Improvement Council and Research and Development Council respectively, by rotation—Members, *ex officio*;

(n) Finance Officer of the University—Member, *ex officio*;

(o) President, Alumni Association—Member, *ex officio*;

(p) Four eminent persons in the field of co-operatives—Members;

(q) Representative of the Reserve Bank, not below the rank of Executive Director—Member, *ex officio*; and

(r) the Registrar—Member-Secretary, *ex officio*.

(3) The term of office of the nominated members, other than *ex officio* Members shall be for a period of three years from the date of their nomination:

Provided that term of office of an *ex officio* Member shall continue so long as he holds the office by virtue of which he is a member.

(4) Subject to the provisions of this Act and the statutes made thereunder, the Governing Board shall exercise and perform the following powers and functions, namely:—

(a) to review, from time to time, the broad policies and programmes of the University, and to suggest measures for the improvement and development of the University;

(b) to consider and pass resolutions on the annual report and the annual accounts of the University and the audit report on such accounts;

(c) to nominate members of Academic and Research Council, Capacity Building Council, Assessment and Improvement Council, Research and Development Council and Board for Affiliation and Recognition; and

(d) to perform such other powers and functions as may be provided by the Statutes.

Executive  
Council.

22. (1) The Vice-Chancellor shall be the *ex officio* Chairperson of the Executive Council, which shall be the principal executive body of the University and shall exercise supervision and control over all authorities of the University referred to in clauses (c) to (k) of section 20.

(2) The constitution of the Executive Council, the term of office of its members and its powers and functions shall be such as may be provided by the Statutes.

Academic and  
Research  
Council.

23. (1) The Vice-Chancellor shall be the *ex officio* Chairperson of the Academic and Research Council, which shall be the principal academic and research body of the University and shall, subject to the provisions of this Act, the Statutes and the Ordinances made thereunder, co-ordinate and exercise general supervision over the academic and research policies of the University.



(2) The constitution of the Academic and Research Council, the term of office of its members and its powers and functions shall be such as may be provided by the Ordinances.

**24. (1)** Subject to the provisions of this Act and the Statutes made thereunder, there shall be an Executive Board of the Institute of Rural Management Anand School which shall, co-ordinate and exercise general supervision over such School.

Executive Board  
of Institute of  
Rural  
Management  
Anand School.

(2) The constitution of the Executive Board, selection of its Chairperson, the term of office of its Chairperson and members and its powers and functions shall be such as may be provided by the Statutes.

**25. (1)** The Vice-Chancellor shall be the *ex officio* Chairperson of the Capacity Building Council, which shall be the principal body of the University for capacity building programmes and shall, subject to the provisions of this Act, the Statutes and the Ordinances made thereunder, co-ordinate and exercise general supervision over the capacity building policies of the University.

Capacity  
Building  
Council.

(2) The constitution of the Capacity Building Council, the term of office of its members and its powers and functions shall be such as may be provided by the Ordinances.

**26. (1)** The Vice-Chancellor shall be the *ex officio* Chairperson of the Assessment and Improvement Council, which shall be the principal body of the University for assessment and improvement of all programmes and shall, subject to the provisions of this Act, the Statutes and the Ordinances made thereunder, co-ordinate and exercise general supervision over the matters relating to assessment and improvement of such programmes.

Assessment and  
Improvement  
Council.

(2) The constitution of the Assessment and Improvement Council, the term of office of its members and its powers and functions shall be such as may be provided by the Ordinances.

**27. (1)** The Vice-Chancellor shall be the *ex officio* Chairperson of the Research and Development Council, which shall be the principal body of the University for undertaking and promoting research and development activities in all sectors relating to co-operatives and shall, subject to the provisions of this Act, the Statutes and the Ordinances made thereunder, co-ordinate and exercise general supervision over the matters relating to research and development.

Research and  
Development  
Council.

(2) The constitution of the Research and Development Council, the term of office of its members and its powers and functions shall be such as may be provided by the Ordinances.

**28. (1)** The Vice-Chancellor shall be the *ex officio* Chairperson of the Board for Affiliation and Recognition, which shall be responsible for admitting or affiliating institutes to the privileges of the University.

Board for  
Affiliation and  
Recognition.

(2) The constitution of the Board for Affiliation and Recognition, the term of office of its members and its powers and functions shall be such as may be provided by the Ordinances.

**29. (1)** The Vice-Chancellor shall be the *ex officio* Chairperson of the Finance Committee.

Finance  
Committee.

(2) The constitution of the Finance Committee, the term of office of its members and its powers and functions shall be such as may be provided by the Ordinances.

**30. (1)** Every School shall have a Board of Co-operative Studies.

Board of  
Co-operative  
Studies.

(2) The constitution of the Board of Co-operative Studies, the term of office of its members and its powers and functions shall be such as may be provided by the Ordinances.



(3) The Board of Co-operative Studies shall have such number of Committees not exceeding five, including three Committees, comprising of experts, dealing in streams of degree, diploma and certificate, respectively.

(4) The constitution, powers and functions of the Committees referred to in sub-section (3) shall be such as may be provided by the Ordinances.

Other  
authorities of  
University.

**31.** The manner of appointment, terms and conditions, powers and functions of other authorities referred to in clause (k) of section 20 shall be such as may be provided by the Ordinances.

Meetings of  
authorities.

**32. (1)** The authorities except the Governing Board and Executive Council shall meet at such places and times, and shall follow such rules of procedure in regard to the transaction of the business at its meetings (including quorum), as may be provided by the Ordinances.

(2) If the Chairperson of any authority, for any reason is unable to attend a meeting of such authority, any other member chosen by the members present amongst themselves at the meeting, shall preside over the meeting.

## CHAPTER V

### STATUTES, ORDINANCES AND REGULATIONS

Statutes.

**33.** Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:—

(a) the constitution of the Governing Board, Executive Council and Executive Board, as may be constituted from time to time, and their powers and functions;

(b) the appointment and continuance in office of the members of the Governing Board, Executive Council and Executive Board, the filling up of vacancies of members, and all other matters relating to these authorities;

(c) the nomenclature of the Institute of Rural Management Anand School so declared under this Act;

(d) the terms and conditions relating to clause (iv) of sub-section (3) of section 7, subject to any provision relating to transfer of teachers from the University to other Central University or Centrally Funded Technical Institutes to be decided in consultation with concerned Central Government Departments; and

(e) all other matters which by this Act are to be, or may be, provided for by the Statutes.

Power to make  
Statutes.

**34. (1)** The first Statutes as specified in the Second Schedule shall be continued till they are superseded by new Statutes.

(2) The new or additional Statutes shall be made by the Central Government either *suo motu* or on the recommendation of the Executive Council, at any point of time and as deemed fit.

Ordinances.

**35.** Subject to the provisions of this Act and the Statutes made thereunder, the Ordinances may provide for all or any of the following matters, namely:—

(a) the constitution, powers and functions of all authorities except Governing Board, Executive Council and Executive Board, as may be constituted from time to time;

(b) the appointment and continuance in office of the members of the said authorities and other bodies, the filling up of vacancies of members, and all other matters relating to those authorities and other bodies for which it may be necessary or desirable to provide;

(c) the appointment, powers and duties, emoluments and terms and conditions of service of officers of the University and the Institute of Rural Management Anand School except Vice-Chancellor, Registrar and Finance Officer;

(d) the appointment of teachers, academic staff and other employees of the University and the Institute of Rural Management Anand School, their emoluments and terms and conditions of their service;

(e) the appointment of teachers and academic staff working in any other University or organisation for a specific period for undertaking a joint project;

(f) the terms and conditions of service of employees including provisions for pension, insurance, provident fund, the manner of termination of service and disciplinary action;

(g) the principles governing the seniority of service of the employees of the University;

(h) the procedure for arbitration in cases of dispute between employees or students and the University;

(i) the procedure for appeal to the Executive Council by any employee or student against the action of any officer or authority of the University;

(j) the conferment of affiliation to institutes;

(k) the establishment and closure of Schools, Departments and hostels;

(l) the conferment of honorary degrees;

(m) the conferment and withdrawal of degrees, diplomas, certificates and other academic distinctions;

(n) the management of Schools established and maintained by the University;

(o) the delegation of powers vested in the authorities or officers of the University and the Institute of Rural Management Anand School;

(p) the maintenance of discipline among the employees and students;

(q) the admission of students to the University and their enrolment as such;

(r) the courses of study and their duration to be laid down for all degrees, diplomas and certificates of the University;

(s) the medium of instructions and examinations;

(t) the award of degrees, diplomas, certificates and other academic distinctions, the qualifications for the same and the means to be taken relating to the granting and obtaining of the same;

(u) the fees to be charged for courses of study in the University and for admission to examinations, degrees and diplomas of the University;

(v) the conditions for award of fellowships, scholarships, studentships, medals and prizes;

(w) the conduct of examinations, including the term of office and manner of appointment and the duties of examining bodies, examiners and moderators;

(x) the conditions of residence of the students of the University;

(y) the special arrangements, if any, which may be made for the residence and teaching of women students and prescribing special courses of studies for them;

(z) the establishment of Centres of Studies, Board of Studies and other Committees;

(za) the manner of co-operation and collaboration with other Universities, institutions and other organisations including industry;

(zb) the creation, composition and functions of any other body which is considered necessary for improving the academic life of the University;

(zc) the setting up of a machinery for redressal of grievances of employees and students; and

(zd) any other matter which, by this Act or the Statutes made thereunder, is to be or may be, provided for by the Ordinances.

Power to make Ordinances.

**36.** (1) The first Ordinances shall be made by the Vice-Chancellor and the Ordinances so made may be amended or repealed at any time by the Executive Council.

(2) Save as otherwise provided in sub-section (1), the Executive Council shall make Ordinances either *suo motu* or on the recommendation of the related authority of the University referred to in clauses (c) to (k) of section 20, as decided by such Executive Council.

(3) Every Ordinance so made under sub-sections (1) and (2) shall be submitted, as soon as may be after it is made, to the Central Government for information.

Regulations.

**37.** Any authority under section 20 may make Regulation, consistent with the provisions of this Act, the Statutes and the Ordinances made thereunder, for the conduct of its own business and every Regulation so made shall be submitted, as soon as may be after it is made, to the Executive Council for information.

## CHAPTER VI

### ACCOUNTS AND AUDIT

Annual report.

**38.** (1) The annual report of the University shall be prepared under the directions of Executive Council, which shall include, among other matters, the steps taken by the University towards the fulfilment of its objects and shall be submitted to the Governing Board after the approval of Executive Council within six months from the closing of financial year and the Governing Board shall consider the report in its annual meeting.

(2) The Governing Board shall submit the annual report to the Central Government along with its comments, if any, on or before the expiry of nine months from the closing of financial year.

(3) The Central Government shall, as soon as may be after it is received, cause a copy of the annual report to be laid before each House of Parliament.

Annual accounts.

**39.** (1) The University shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, including the balance-sheet, in such form and accounting standards as may be provided by it in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the University shall be audited by the Comptroller and Auditor-General of India and any expenditure incurred by it in connection with such audit shall be payable by the University to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the University shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the audit of the Government accounts, and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the offices of the University.

(4) The accounts of the University as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government on or before the expiry of nine months from the closing of financial year and that Government shall cause the same to be laid before each House of Parliament.

40. (1) There shall be a University Fund which shall include—

Fund of  
University.

(a) any contribution or grant made by the Central Government;

(b) grant from Co-operative Education Fund maintained under the Multi-State Co-operative Societies Act, 2002 or States' or Union Territories' Co-operative Societies Acts;

(c) grant from corpus Fund for Co-operative Training set up by the Central Government;

(d) any contribution or grant made by the State Government;

(e) any contribution made by Government, semi-Government or autonomous bodies;

(f) any gifts, bequests, donations, endowments or other grants;

(g) income received by the University from fees and charges;

(h) income received by the University from undertaking projects and consultancy services;

(i) money received by the University from the collaborating industries, co-operative societies, federations, unions and other organisations in terms of the provisions of the Memorandum of Understanding between the University and such collaborating industry, co-operative society, federation, union or other organisation; and

(j) money received from any other source, provided that any funding from foreign sources shall require prior approval of the Central Government.

(2) All funds of the University shall be deposited in such banks or invested in such manner as the Executive Council may decide on the recommendation of the Finance Committee.

(3) The funds of the University shall be applied towards meeting the expenses of the University including expenses incurred in the exercise of its powers and discharge of its functions by or under this Act.

(4) The University, at all times, shall strive to be self-sufficient in meeting its expenses and shall, while launching new courses or programmes, establishing new schools or other infrastructure, creating or filling posts, incurring recurring or non-recurring expenses and creating any other financial liability, take into account financial resources that are either available with the University or tied up with stakeholders or any other source.

## CHAPTER VII

### MISCELLANEOUS

41. (1) Every employee of the University shall be appointed under a written contract, which shall be lodged with the University and a copy of which shall be furnished to the employee concerned.

Conditions of  
service of  
employees, etc.

(2) Any dispute arising out of the contract between the University and any employee shall, at the request of the employee, be referred to a Dispute Resolution Body consisting of one member appointed by the Executive Council, one member nominated by the employee concerned and an independent member from outside the University to be appointed by the Executive Council.

(3) The decision of the Dispute Resolution Body shall be final and no suit shall lie in any civil court in respect of the matters decided by the Dispute Resolution Body.

(4) Every request made by the employee under sub-section (2) shall be deemed to be a submission to arbitration upon the terms of this section within the meaning of the Arbitration and Conciliation Act, 1996.

26 of 1996.

(5) The procedure for regulating the work of the Dispute Resolution Body shall be such as may be provided by the Ordinances.

Right to appeal.

42. (1) Any person including an employee or a student of the University aggrieved by the decision or order of the Academic and Research Council, the Capacity Building Council, the Assessment and Improvement Council, the Research and Development Council, the Board for Affiliation and Recognition and the Board of Co-operative Studies may file an appeal to the Executive Council.

(2) The form, manner and the procedure for filing and disposing of appeal referred to in sub-section (1) shall be such as may be provided by the Ordinances.

Provident and pension funds.

43. (1) The University shall constitute for benefit of its employees such provident fund or any other similar fund or provide such insurance schemes, as it may deem fit, in such manner and subject to such conditions, as may be provided by the Ordinances.

(2) Where such provident fund or other similar fund has been so constituted, the Central Government may declare that the provisions of the Provident Funds Act, 1925 shall apply to such fund, as if it were a Government provident fund.

19 of 1925.

Returns and information.

44. The University shall furnish to the Central Government such returns or other information with respect to its property or activities, within such period, as may be determined by the Central Government from time to time.

Acts and proceedings not invalidated by vacancies.

45. No act or proceedings of any authority or other body of the University shall be invalid merely by reason of the existence of a vacancy or vacancies among its members.

University and Institute of Rural Management Anand School to be public authority under Right to Information Act.

46. The provisions of the Right to Information Act, 2005 shall apply to the University and the Institute of Rural Management Anand School, as if it were a public authority defined in clause (h) of section 2 of that Act.

20 of 2005.

Protection of action taken in good faith.

47. No suit, prosecution or other legal proceedings shall lie against any officer or other employee of the University for anything which is in good faith done or intended to be done in pursuance of any of the provisions of this Act, the Statutes or the Ordinances made thereunder.

Act to have overriding effect.

48. Save as otherwise provided, the provisions of this Act shall be in addition to and not in derogation of the University Grants Commission Act, 1956 and any other law for the time being in force.

3 of 1956.

Mode of proof of University record.

49. Notwithstanding anything contained in the Bharatiya Sakshya Adhiniyam, 2023 or in any other law for the time being in force, a copy of any receipt, application, notice, order, proceeding or resolution of any authority or other body of the University, or any other document in possession of the University, or any entry in any register duly maintained by the University, if certified by the Registrar, shall be received as *prima facie* evidence of such receipt, application, notice, order, proceeding, resolution or document or the existence of entry in the register and shall be admitted as evidence of the matters and transactions therein where the original thereof would, if produced, have been admissible in evidence.

47 of 2023.

Statutes to be laid before Parliament.

50. (1) Every Statute made under this Act shall be published in the Official Gazette.

(2) Every Statute made under this Act, shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the Statute or both Houses agree that the Statute should not be made, the Statute shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that Statute.

(3) The power to make Statutes shall include the power to give retrospective effect, from a date not earlier than the date of commencement of this Act, to the Statutes but no retrospective effect shall be given to any Statutes so as to prejudicially affect the interests of any person to whom such Statutes may be applicable.

**51.** (1) The Central Government shall have the authority to deal with any matter pertaining to the University and the Institute of Rural Management Anand School and not specifically dealt with in this Act.

Residuary provision.

(2) The decision of the Central Government on all such matters shall be final.

**52.** (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for removing the difficulty:

Power to remove difficulties.

Provided that no such order shall be made under this section after the expiry of three years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

**53.** Notwithstanding anything contained in this Act and the Statutes made thereunder,—

Transitional provisions.

(a) the Board of Governors and other committees functioning in Institute of Rural Management Anand shall continue to function till such time the authorities or committees are constituted in the University under the provisions of this Act;

(b) the existing officers of Institute of Rural Management Anand shall continue to function till such time, the officers of the University are appointed under the provisions of this Act; and

(c) till the First Statutes and Ordinances are made, any matter not specifically dealt within this Act shall be governed by rules and regulations of Institute of Rural Management Anand.



## THE FIRST SCHEDULE

[See section 6(iv)]

## GUIDING PRINCIPLES FOR COURSE DESIGN, PEDAGOGY AND DELIVERY

1. To create an enabling ecosystem to realise the vision of “Sahkar Se Samriddhi” by providing a stable pool of appropriately trained manpower for the co-operative sector.
2. To meet education and training needs of members of boards of directors and employees of co-operative societies in all sectors, all regions and at all levels, that is National, State, District or Primary.
3. To design courses for all levels or streams of employees, that is managerial, supervisory, technical, administrative and the like.
4. To take into account the needs of students coming from different educational levels and backgrounds.
5. To design foundational courses such as co-operative principles, laws, taxation, accounting, audit, history, culture, best international and national practices and the like.
6. To design domain specific courses for sectoral co-operative societies (Milk, Fisheries, Sugar, Credit, Urban Co-operative Banks, Agri-business, Housing, Marketing and the like).
7. To design co-operative management courses including Finance, Marketing, Human Resources, Information System, Logistics, Storage and Inventory Management.
8. To design course content to enhance professionalism and use of Information Technology in co-operative sector.
9. To address the need for building, refreshing and enhancing skills in the co-operative sector.
10. To design courses in close coordination with the co-operative societies to ensure development of need based, contemporary, dynamic and responsive curriculum.
11. To take into account the latest developments in course design, pedagogy and content delivery using multimedia and other technological tools.
12. To meet the specific requirement of the National Co-operative Societies, State Co-operative Societies and Co-operative Federations.
13. To address the specialised needs for engineering and technological courses in co-operative sector (milk processing technology, weaving, spinning technology, storage and logistics technology, information technology, Enterprise Resource Planning and the like).
14. To include latest technological developments in the courses for each sector.
15. To address the emerging needs and technological areas such as Artificial Intelligence, Machine Learning and the like.



## THE SECOND SCHEDULE

(See section 34)

## THE FIRST STATUTES

The University, in the exercise of its powers and functions under section 7, shall ensure that the financial liabilities are met out of the available financial resources and to that extent shall devise and enforce such procedures as approved by any authority referred to in section 20:

Provided that the extant rules and procedures of the Central Government relating to appointments, promotions and fixation of pay as well as expenditures, both recurring and non-recurring, including those referred to in clauses (viii), (x), (xvii) and clause (xxi) of sub-section (1) of section 7, shall apply if the University seeks any financial assistance or Gross Budgetary Support apart from one time capital grant.

DR. RAJIV MANI,  
*Secretary to the Govt. of India.*

ಭಾಗ ೪

ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ, ಮಂಗಳವಾರ, ೨೯, ಏಪ್ರಿಲ್, ೨೦೨೫

೪೯೭

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ  
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

(ಅಭೀಫಾ ಉಸ್ತಾನಿ)  
ಸಹಾಯಕ ಪ್ರಾರೋಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ  
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ  
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು  
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

PR-25